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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WYTERIA SIMS, INDIVIDUALLY,
AND O/B/O THE ESTATE OF
MARCUS SIMS,
Plaintiff,
vs CIVIL ACTION
WINGATE MANAGEMENT COMPANY, LLC, FILE NOS.:
Defendant. 1:22-cv-01692-VMC through
1:22-cv-01696-VMC

VIDEOTAPED DEPOSITION OF
CHARLES AHMAD

May 21, 2024
10:01 a.m.

229 Peachtree Street, Northeast
Suite 2500
Atlanta, Georgia 30303

Ashley N. Ellis, CVR-7199, CCR

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<div>1</div> <div>2</div> <div>3 On behalf of the Plaintiff(s):</div> <div>4 DAVID H. BOUCHARD, ESQUIRE</div> <div>5 Finch McCranie, LLP</div> <div>6 229 Peachtree Street, Northeast</div> <div>7 Suite 2500</div> <div>8 Atlanta, Georgia 30303</div> <div>9 Office: 404.658.9070</div> <div>10 E-mail: david@finchmccranie.com</div> <div>11 On behalf of the Defendant(s):</div> <div>12 LEE CLAYTON, ESQUIRE</div> <div>13 Swift, Currie, McGhee & Hiers, LLP</div> <div>14 1420 Peachtree Street, Northeast</div> <div>15 Suite 800</div> <div>16 Atlanta, Georgia 30309</div> <div>17 Office: 404.888.6168</div> <div>18 Fax: 404.888.6199</div> <div>19 E-mail: lee.clayton@swiftcurrie.com</div> <div>20 LAUREN D. WOODRICK, ESQUIRE</div> <div>21 Swift, Currie, McGhee & Hiers, LLP</div> <div>22 1420 Peachtree Street, Northeast</div> <div>23 Suite 800</div> <div>24 Atlanta, Georgia 30309</div> <div>25 Office: 404.874.8800</div> <div>Fax: 404.888.6199</div> <div>E-mail: lauren.woodrick@swiftcurrie.com</div> <div>20 (Pursuant to Article 10(b) of the Rules of Regulations of the</div> <div>21 Georgia Board of Court Reporting, a written disclosure</div> <div>22 statement was submitted by the court reporter to all counsel</div> <div>23 present at the proceeding.)</div> <div>24</div> <div>25</div>	<div>1</div> <div>2</div> <div>3 EXHIBIT DESCRIPTION PAGE</div> <div>4 For the Defendant:</div> <div>5 Exhibit 1 Notice of deposition 8</div> <div>6 Exhibit 2 Crime Analysis for Problem</div> <div>7 Solvers article 10</div> <div>8 Exhibit 3 Five Things About Deterrence 10</div> <div>9 Exhibit 4 Put the ease back in lease</div> <div>10 article 10</div> <div>11 Exhibit 5 CCTV as a Tool article 10</div> <div>12 Exhibit 6 Lowering the threshold of</div> <div>13 effective deterrence article 10</div> <div>14 Exhibit 7 The Evolution of Physical</div> <div>15 Security Measures article 10</div> <div>16 Exhibit 8 Group9 Expert witness report 10</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>
<div>1</div> <div>2</div> <div>3 WITNESS: CHARLES AHMAD</div> <div>4</div> <div>5 CROSS-EXAMINATION</div> <div>6 By Mr. Clayton 6</div> <div>7</div> <div>8 CROSS-EXAMINATION</div> <div>9 By Mr. Bouchard 280</div> <div>10</div> <div>11 RECROSS-EXAMINATION</div> <div>12 By Mr. Clayton 282</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>1</div> <div>2</div> <div>3 THE VIDEOGRAPHER: Good morning. We are on the video</div> <div>4 record at 10:01 a.m. on Tuesday, May 21st, 2024. Please</div> <div>5 note that the microphones are sensitive and may pick up</div> <div>6 private conversations. Please mute your phones at this</div> <div>7 time. Audio and video recording will continue to take</div> <div>8 place unless all parties agree to go off the record. This</div> <div>9 is the Media Unit 1 of the video recorded deposition of</div> <div>10 Charles Ahmad taken by counsel for plaintiff in the matter</div> <div>11 of Ontario Sims, et al versus Wingate Management Company,</div> <div>12 LLC filed in the US District Court for the Northern</div> <div>13 District of Georgia, Atlanta Division. The location of</div> <div>14 this deposition is at Finch McCranie in Atlanta, Georgia.</div> <div>15 My name is Leo Mileman representing Veritext. I am the</div> <div>16 videographer. The court reporter is Ashley Ellis, also</div> <div>17 from Veritext. Counsel present, please introduce</div> <div>18 yourselves, after which the court reporter will swear the</div> <div>19 witness.</div> <div>20 MR. BOUCHARD: David Bouchard from the law firm Finch</div> <div>21 McCranie on behalf of the plaintiffs in the five related</div> <div>22 cases pending before Judge Calvert in the Northern</div> <div>23 District of Georgia. I will note, for the record, just as</div> <div>24 a clarification that it was stated at the outset that the</div> <div>25 plaintiff was noticing and taking the deposition, but in</div> <div>fact, the defendant, Wingate Management Company, is</div> <div>noticed and is intending to take the deposition today.</div>

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<p style="text-align: right;">Page 6</p> <p>1 MR. CLAYTON: Lee Clayton and Lauren Woodrick on 2 behalf of the defendant, Wingate Management Company. 3 WHEREUPON, 4 CHARLES AHMAD, 5 having been produced and first duly sworn as a witness, 6 testified as follows: 7 CROSS-EXAMINATION 8 BY MR. CLAYTON 9 Q Good morning, Mr. Ahmad. My name is Lee Clayton. We 10 met just a minute ago. 11 A Good morning, sir. 12 Q And this will be your deposition that's taken by 13 notice and agreement of counsel for all purposes permitted 14 under the Federal Rules of Civil Procedure. Have you ever been 15 deposed before? 16 A I have. 17 Q How many times? 18 A Twice. 19 Q Okay. A couple of ground rules for you. The court 20 reporter here is taking down everything that we say, so it's 21 very important that we do not talk over each other. You're 22 going to know where I'm going with a lot of my questions and 23 some of them may be repetitive and I'm asking the same thing 24 for different people. This is cross noticed in five cases, so 25 I may have to ask you about five different people. Okay? In</p>	<p style="text-align: right;">Page 8</p> <p>1 A Yes, sir. 2 Q And, you know, I think we'll be here for a while, so 3 we'll take breaks every now and again. If you need to take 4 one, just let me know. We'll just finish up that question or 5 wherever we are and take a break. Okay? Could you please 6 state your full name for the record? 7 A Charles Ahmad. 8 Q Now, at the outset of this deposition, I was handed a 9 number of documents in a folder. And did you bring these with 10 you today? 11 A I did. 12 Q All right. 13 MR. CLAYTON: A question for you, Madam Court 14 Reporter, is it better for you if I mark the folder and 15 then you guys just take it apart, or do you want me to 16 mark each individually? 17 THE COURT REPORTER: It's up to you. 18 BY MR. CLAYTON 19 Q So the first thing I'm going to do is I'm going to 20 mark a copy of Exhibit 1, which is a copy of your deposition 21 notice. And have you seen a copy of this before? 22 (Defendant's Exhibit No. 1 marked for identification.) 23 A I have not. 24 Q Okay. Well, if you will just please read through it 25 -- and what I really care about is you reading through the</p>
<p style="text-align: right;">Page 7</p> <p>1 that case or any other case, please just wait and make sure to 2 let me finish my question before you answer so we have a clean 3 record. 4 If you are ever not done with an answer and I start 5 saying something, tell me. I want to make sure to give you a 6 full and complete opportunity to get your opinions on the 7 record. Okay? 8 A Yes, sir. 9 Q You've got to give a verbal response. Shaking your 10 head up or down, uh-huh, uh-huh, even though it's on video, we 11 use the transcripts. So we just have to make sure to get a 12 verbal response. So if I say is that a yes, is that a no, I'm 13 not trying to be rude. I'm just trying to make sure that we a 14 record. Okay? 15 A Yes, sir. 16 Q If I ask you a question -- this is the most important 17 one -- and you answer it, I'm going to assume that you 18 understood it and provided an honest and truthful answer. 19 Okay? 20 A Yes, sir. 21 Q If, for whatever reason, you don't understand my 22 question, it very well could be that I asked a you bad 23 question. Just please tell me, say could you please repeat 24 that, rephrase that, and I'll be happy to do that to make sure 25 you fully understand it before you answer. All right?</p>	<p style="text-align: right;">Page 9</p> <p>1 Exhibit A portion of it, which is starting on Page 7, and I 2 want to make sure that the report that you filed or was filed 3 in this case and what you brought today with you, we have all 4 things that are responsive to Exhibit A. So you can just read 5 through it and you can say a global yes or you can go through 6 it and say one, two, three, and do it that way, however you 7 would like. 8 A So under Number 2, the books, you'll notice I have 9 several books cited in my report that I did not bring with me. 10 Q Okay. And what books are those? 11 A They're are listed in my report. 12 Q Okay. 13 A I have a copy of my report here, if you would like to 14 give me a copy. 15 Q Okay. All right. Keep going and we can talk about 16 the books in a minute. I just want to make sure. 17 A So the -- under Number 10, the invoices or statement 18 for services rendered, Mr. Bouchard informed me that he turned 19 those over. 20 Q Okay. He did turn a number of them over, so I trust 21 that -- I think they were current, I believe, as of when you 22 did the report. 23 A Right. So the only items, other than the books that 24 are listed in my report, are the documents that you have in 25 your hand that Mr. Bouchard asked me to bring.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q All right. So if you'll just take a look -- let me 2 get them out of the folder. So I'm giving you Exhibits 2 3 through 7. And if you will just confirm that two through seven 4 are, in fact, the documents that you brought with you today? 5 (Defendant's Exhibit No. 2, No. 3, No. 4, No. 5, No. 6, and No. 6 7 marked for identification.) 7 A They are. 8 Q All right. Then we have the Exhibit 8, which is a 9 copy of your report. And if you to, Mr. Ahmad, you have this 10 in front of you in a different form -- 11 (Defendant's Exhibit No. 8 marked for identification.) 12 A I do. 13 Q Are there any notes on the ones that you have? 14 A There are not. 15 Q All right. For ease of reference today as we go 16 through, if it's the same report and you want to flip back and 17 forth in your notebook. it's fine. You can just set Exhibit 8 18 off to the side. It's completely up to you, but don't feel 19 like you have to use it in a form that's not as convenient to 20 you? 21 A I appreciate that. 22 Q So for the articles that are in two through seven, is 23 that -- are those articles that you found yourself or did 24 someone give those to you? 25 A May I have a moment to just look at this, please?</p>	<p style="text-align: right;">Page 12</p> <p>1 A No, sir. 2 Q Okay. Sometimes someone says, well, I sent out a 3 records request and I haven't gotten it back, but I expect to 4 get that back. So I know something may be given to you later. 5 But as we sit here today, you don't have that expectation; is 6 that right? 7 A That's correct, sir. 8 Q So you have been retained by Mr. Bouchard on behalf 9 of the plaintiffs in these five cases to provide opinions in 10 these cases; is that right? 11 A Within the -- within what's outlined in the scope of 12 my report. 13 Q Exactly. So let me just first start by asking 14 Wingate is -- you understand is the property management company 15 of these units, correct? 16 A Yes, sir. 17 Q What did Wingate do to right security-wise? 18 A Can you be more specific? 19 Q Well, it's an open-ended question and it's meant to 20 be. I guess I'll ask it like this: Did Wingate Management 21 Company do anything that you believed was reasonable, 22 security-wise, between 2018 and 2020? 23 A Sir, I would say that the -- Wingate did take certain 24 steps, the installation of the cameras in conjunction with 25 Georgia Power. Communication -- there was some level of</p>
<p style="text-align: right;">Page 11</p> <p>1 Q Sure. 2 A Okay. Can you please repeat the question, sir? 3 Q So Exhibit 2 through 7, the articles that you brought 4 today, are those articles that you found yourself or that you 5 presented to Mr. Bouchard or are they articles that he or 6 somebody else presented to you? 7 A These are not articles that Mr. Bouchard presented to 8 me, but I would say it's a combination of things I found myself 9 or security industry colleagues discussed with me and suggested 10 I read. I come across articles as part of research I do for 11 various projects, security vulnerability assessments that we 12 conduct for clients. So I don't know that they were not given 13 to me by Mr. Bouchard. I can't say whether I went out and 14 conducted my own research and found every one of them or if 15 they were recommended to me by security industry colleagues. 16 Some combination of both would be my -- my educated guess on 17 that. 18 Q Were there any records or documents in this case that 19 you wanted but did not get? 20 A Well, I would say more information is always better 21 no -- there were no unanswered questions. I had enough 22 information supplied to me to formulate my opinions in this 23 case. 24 Q As we sit here today, are you expecting to examine 25 any additional records that would bear on your opinion?</p>	<p style="text-align: right;">Page 13</p> <p>1 communication with the Atlanta Police Department. I have seen 2 documentation where meetings were attended or I've seen e-mails 3 where communication was had with leadership from the Atlanta 4 Police Department. I've seen -- there's deposition testimony 5 about off-duty police officers that worked there and arrests 6 that they made on the property. If you're asking me did that 7 provide a reasonable level of security, my answer is no. 8 Q That's not what I'm asking. We'll get into that. 9 Right now -- I understand that you don't -- your opinion is 10 they did not do enough; is that right? 11 A Yes, sir. 12 Q But you and I both agree that they did some things, 13 correct? 14 A Yes, sir. 15 Q And some of those things are -- you agree were 16 reasonable to do; is that right? I mean is it reasonable to 17 put up Georgia Power cameras? 18 A Well, I can't give you had a yes or a no answer. 19 There's more I would need to unpack with that. 20 Q Okay. So let me go back to your original question 21 now that you know what we're doing. What did Wingate do right, 22 security-wise, at the property? And if your answer is nothing, 23 then it can be nothing. 24 A Again, I think having communication with the Atlanta 25 Police Department was good. That's what I recommend to my</p>

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<p style="text-align: right;">Page 14</p> <p>1 clients now, engage with the local police department, meet 2 regularly with the local police department, and there's 3 evidence that that was done. Having cameras installed, 4 advocating that some buildings be knocked down, in which is 5 communication prior to the shooting that that was done. I 6 would say that that should have been done far sooner than it 7 was or far earlier than it was. But I would say that those are 8 things that they did.</p> <p>9 But if you're asking me what reasonable looks like 10 the security industry, I would have to say that reasonable 11 security measures flow from, number one, a security assessment; 12 numbers two, a security plan as I lay out in my report. 13 Reasonable security measures follow a sequence of events. So 14 if you're asking me, well, were these measures reasonable, I 15 would say, number one, they didn't follow a logical or a 16 reasonable sequence of events as we look at -- or as we 17 advocate or as it supported by the security industry standards 18 and guidelines.</p> <p>19 Q And again, that wasn't my question, but we'll get 20 into that. So it sounds like we are in agreement that, on the 21 continuum of no action to what would be reasonable action, you 22 agree that they did take some reasonable steps, but in your 23 opinion, it was not enough?</p> <p>24 A Again, I would take the word reasonable out of your 25 sentence if I'm going to -- you're asking me for an answer,</p>	<p style="text-align: right;">Page 16</p> <p>1 How many low-income multifamily apartment communities has Group 2 Nine Risk Consulting provided non-litigation consulting work 3 for?</p> <p>4 A None.</p> <p>5 Q All right. How many multifamily apartment 6 communities -- so now it does not have to be low income -- has 7 Group Nine Risk Consulting provided non-litigation consulting 8 work for in the United States?</p> <p>9 A None.</p> <p>10 Q So you have never, in your time at Group Nine Risk 11 Consulting ever done any consulting work in the United States 12 for security on multifamily housing; is that right?</p> <p>13 A If you're restricting my answer to Group Nine -- my 14 time with Group Nine Risk Consulting -- not my time with United 15 States Marshals Service -- that's correct.</p> <p>16 Q Okay. So when the Marshals Service, is that -- how 17 many -- in your entire career, how many low-income apartment 18 communities have you performed security and/or crime prevention 19 consulting work for?</p> <p>20 A If you're limiting it to security and crime 21 prevention services for a low-income, multifamily property, 22 none. I've spent lots of time at low-income, multifamily 23 residential properties during my time with the US Marshals 24 Service in a law enforcement capacity, but providing crime 25 prevention services, that was not my job. But if we're talking</p>
<p style="text-align: right;">Page 15</p> <p>1 sir, and my answer is: Did they take steps? Yes. Did those 2 steps provide a reasonable level of security to the residents 3 of the property? My answer is no.</p> <p>4 Q And so you -- you are -- are you the principal at 5 Group Nine Risk Consulting?</p> <p>6 A I'm the founding partner.</p> <p>7 Q The founding partner?</p> <p>8 A Yes, sir.</p> <p>9 Q And part of your work is obviously expert witness 10 testimony; is that right?</p> <p>11 A It is.</p> <p>12 Q Do you provide consulting services outside the 13 context of litigation?</p> <p>14 A We do.</p> <p>15 Q How many years has Group Nine Risk Consulting been in 16 business?</p> <p>17 A Almost two and a half.</p> <p>18 Q Okay. How many low-income multifamily properties has 19 Group Nine Risk Consulting provided non-litigation consulting 20 work for?</p> <p>21 A Overseas, we've looked at residential facilities in 22 places like Africa for, you know -- the work that I've done 23 involves working with humanitarians. That's largely pro bono.</p> <p>24 Q Let's restrict it to the United States and then we 25 can move on to others. So let's go with the United States.</p>	<p style="text-align: right;">Page 17</p> <p>1 about residential housing, that was part of my job for members 2 of the judiciary.</p> <p>3 Q And that's fine. Multifamily housing, you would 4 agree with me, is a different security template than 5 single-family housing?</p> <p>6 A Not exactly, no.</p> <p>7 Q So it is your opinion and belief that a single-family 8 home on a street in a subdivision has the same security needs 9 as a low-income housing complex, scatter site, in downtown 10 Atlanta; is that right?</p> <p>11 A Well, there are a lot of variables in the question 12 you just asked. What I would say, sir, is the security needs 13 from low-income, multifamily property, the multifamily property 14 different. Just as they differ from single-family residential 15 property to townhomes, to condos. It's not that all 16 low-income, multifamily properties have the same security needs 17 or the same security issues. I've -- during my time in the US 18 Marshals Service, as I mentioned, I went to many, many 19 low-income residential properties, some withing -- within close 20 proximity to one another some within blocks of one another and 21 the security needs were very different.</p> <p>22 So -- and again, you know, between residential -- 23 single-family residential and low-income, multifamily 24 properties, there are absolutely differences. But what I would 25 say is, the principles of security do not change. So in my</p>

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<p style="text-align: right;">Page 18</p> <p>1 time throughout my career, in the United States Army, my time 2 in the United States Marshals Service, and my time with Group 3 Nine Risk Consulting, I've looked at security and done security 4 assessments and preventative measures for lots of different 5 types of facilities. The principles that guide that work 6 remain the same.</p> <p>7 The nuances, I agree with you, are different, but the 8 nuances could be different from apartment complex to apartment 9 complex, from single-family to single-family.</p> <p>10 Q I get that. I just want to make sure -- I've been on 11 an airplane many times, but I'm not a pilot. You saying you 12 have been to low-income housing but not in the context of 13 security assessment, are you saying that ever time you've set 14 foot on low-income housing in, like, fugitive task force, that 15 somehow qualifies you to do a risk assessment? Is that your 16 testimony?</p> <p>17 A Well. Not exactly, sir. My testimony is I have a 18 lot of experience in those environments. So going to countless 19 single -- or multifamily, low-income apartment complexes as a 20 law enforcement officer investigating the whereabouts of a 21 fugitive or multiple fugitives, you become very aware of 22 security because you will often work hand-in-hand with property 23 managers. You will often work hand-in-hand with contract 24 security throughout the course of your investigation. So you 25 become very familiar with security measures at various</p>	<p style="text-align: right;">Page 20</p> <p>1 A I don't know what they -- what qualifications were 2 required for that job, but that's my training, experience, 3 background does not involve those functions.</p> <p>4 Q Exactly. You have never held a certified apartment 5 manager certification?</p> <p>6 A I have not.</p> <p>7 Q Have you ever been certified as a certified apartment 8 portfolio supervisor?</p> <p>9 A I have not.</p> <p>10 Q You ever been qualified as a certified apartment 11 supplier?</p> <p>12 A I have not.</p> <p>13 Q Ever been a member of the National Apartment 14 Association?</p> <p>15 A I have not.</p> <p>16 Q Have you ever been a member of the Atlanta Apartment 17 Association?</p> <p>18 A I have not.</p> <p>19 Q Ever attended the Atlanta Multifamily Professional 20 Education program?</p> <p>21 A I have not.</p> <p>22 Q All right. Would you agree that you are not a low 23 income housing expert?</p> <p>24 A Yeah. And if -- if we're talking about security 25 related to low-income housing, I'm an expert in security, so --</p>
<p style="text-align: right;">Page 19</p> <p>1 low-income apartment complexes, as you describe them.</p> <p>2 So I disagree with you in the sense that, you know, 3 because I was there is as a deputy United States Marshal means 4 that, you know, is this different as being a passenger on an 5 airplane as being the pilot of an airplane.</p> <p>6 Q But just to take it back, it is true that you have 7 never created a security plan for an apartment community; is 8 that right?</p> <p>9 A Yes, it is.</p> <p>10 Q You have never done a vulnerability assessment for an 11 apartment community; is that right?</p> <p>12 A That's correct.</p> <p>13 Q You are not a property management expert, correct?</p> <p>14 A With regard to security -- if we're talking about the 15 security function or security responsibility as it relates to 16 property management.</p> <p>17 Q That's not what I'm asking you. You, sir -- have you 18 ever been a property manager at a multifamily housing?</p> <p>19 A I have not.</p> <p>20 Q All right. You understand that lot goes into being a 21 property manager at a multifamily housing project, correct?</p> <p>22 A I'm sure it does.</p> <p>23 Q You are not qualified to do what Alana Robinson or 24 Amy Thomas did at Wingate based upon your experience and 25 background?</p>	<p style="text-align: right;">Page 21</p> <p>1 and my board certification in security management extends to 2 the various industries, the various sectors. It does not -- it 3 is not limited just as your law practice, I'm sure, takes 4 different types of cases. You're not limited to a specific 5 type of case.</p> <p>6 Q Well, and again, I am not -- this is not a trick 7 question. Would you say that you would be qualified to provide 8 security at a hospital?</p> <p>9 A To provide security?</p> <p>10 Q Yes.</p> <p>11 A Yes, I would.</p> <p>12 Q Okay. Would you be qualified to operate in an 13 operating room?</p> <p>14 A I would not.</p> <p>15 Q So you understand there's a distinction between being 16 an expert in some things and then being security for certain 17 things? You understand there's a difference?</p> <p>18 A Of course, I do.</p> <p>19 Q All right. So you are not a low-income housing 20 expert? You do not know about HUD rules and HUD regulations 21 and everything that governs the low-income housing sector 22 specifically? When I break that out, I'm talking about 23 low-income housing expert.</p> <p>24 A For matters outside of security, yes, sir, I agree.</p> <p>25 Q And when it comes to security even, you don't have</p>

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<p style="text-align: right;">Page 22</p> <p>1 any expertise in a subspecialty of low-income housing security?</p> <p>2 It's just you believe you have the overall umbrella that can be</p> <p>3 applied to low-income housing; is that right?</p> <p>4 A Well, it's not what I believe, it's what's published</p> <p>5 in the standards, guidelines, and accepted practices.</p> <p>6 Q I understand that. But you're not saying I have a</p> <p>7 subspecialty of low-income housing security, do you?</p> <p>8 A I'm saying -- no, what I'm saying is my board</p> <p>9 certification in security management extends to low-income</p> <p>10 housing.</p> <p>11 Q Is there anything that it doesn't extend to?</p> <p>12 A No.</p> <p>13 Q So would it extend to fast food franchises and</p> <p>14 doctors' offices and lawyers' offices and airports and</p> <p>15 everything under the sun, your security would enable you to be</p> <p>16 a security consultant for those businesses; is that right?</p> <p>17 A Yes, sir. And let me -- let me unpack that a little</p> <p>18 more. We've been employed to do a security vulnerability</p> <p>19 assessment for a hospital. We've been employed to do a</p> <p>20 security assessment for a school. We've been employed and</p> <p>21 contracted to do a security assessment for a church. At no</p> <p>22 point did we represent to the client that we have a subset</p> <p>23 specialty, as you describe it, in hospitals. At no point did</p> <p>24 we present to the client that we had a subset specialty in</p> <p>25 churches.</p>	<p style="text-align: right;">Page 24</p> <p>1 you just confirmed for me that you have had a hospital, a</p> <p>2 school, and a church hire you for security services, but not a</p> <p>3 single multifamily entity has ever reached out to hire you for</p> <p>4 your services; is that right?</p> <p>5 A That's correct.</p> <p>6 MR. BOUCHARD: Object to form on that.</p> <p>7 BY MR. CLAYTON</p> <p>8 Q So getting back to it, you are not a low-income</p> <p>9 housing expert, correct?</p> <p>10 A A low --</p> <p>11 Q Note, the word security is not in that, a low-income</p> <p>12 housing expert.</p> <p>13 A For issues that aren't security related, for issues</p> <p>14 that aren't crime prevention related, for issues that have</p> <p>15 nothing to do with violent crime, criminal activity, physical</p> <p>16 security measures. If you're talking about things outside of</p> <p>17 that, I've already asked -- I've already been asked and I've</p> <p>18 already answered that question.</p> <p>19 Q Have you ever worked at local income tax credit</p> <p>20 compliance?</p> <p>21 A I have not.</p> <p>22 Q Do you know anything about it?</p> <p>23 A Low income tax credit compliance?</p> <p>24 Q LIHTC, that's right.</p> <p>25 A That is not an area of expertise of mine.</p>
<p style="text-align: right;">Page 23</p> <p>1 We are security experts and this -- now, there are</p> <p>2 certain differences between -- of course, there's differences</p> <p>3 between schools and hospitals and churches and government</p> <p>4 buildings and office buildings and all these things we've done</p> <p>5 security assessment on. But it does not require a subset</p> <p>6 specialty to do a vulnerability assessment and give consult --</p> <p>7 and consult on what security matters or what security measures</p> <p>8 would be important. So I would go on to say that, if a</p> <p>9 low-income apartment complex reached out to me and said are you</p> <p>10 qualified, are you able to come in and do a security assessment</p> <p>11 on our property or provide security consulting services or make</p> <p>12 recommendations on security measures, I would say resoundingly</p> <p>13 yes.</p> <p>14 And I would also reference the fact that I've done</p> <p>15 expert testimony on security -- low-income, multifamily</p> <p>16 security -- sorry, I'm saying that wrong. I've done expert --</p> <p>17 security expert witness work involving apartment complexes to</p> <p>18 include low-income apartment complexes before. So that, along</p> <p>19 with all of the publications I reference, the articles I</p> <p>20 reference, including one, the organization that you mentioned,</p> <p>21 sir, which was the NAA, the National Apartment Association, I</p> <p>22 reference here what you've marked as Exhibit 4. I've</p> <p>23 referenced one of their publications, so.</p> <p>24 Q And that's why -- you're getting pretty far field in</p> <p>25 the questions that I'm asking, you're not answering them. But</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Do you know anything about housing credit certified</p> <p>2 professional?</p> <p>3 A Housing credit certified professional?</p> <p>4 Q HCCP, that's right?</p> <p>5 A I'm not familiar with that, no.</p> <p>6 Q Do you have any experience working with HUD?</p> <p>7 A Other than my time in the US Marshals Service,</p> <p>8 looking -- investigating the whereabouts of fugitives where we</p> <p>9 would regularly work with HUD -- law enforcement officers and</p> <p>10 HUD inspectors -- well, I guess I just answer the question.</p> <p>11 Yes, I do. During my time in the US Marshals Service, I worked</p> <p>12 and interfaced with HUD regularly.</p> <p>13 Q Now, this is not a trick question. Wingate</p> <p>14 Management Company, you agree with me, it's your understanding</p> <p>15 it is a property management company; is that right?</p> <p>16 A Yes.</p> <p>17 Q It is not a security consulting company, correct?</p> <p>18 A It is not a security consulting company. However, it</p> <p>19 had a security responsibility.</p> <p>20 Q That's fine. We're talking about its general</p> <p>21 overarching thing. It also has an HR responsibility. It's got</p> <p>22 to pay FICA taxes and do all these things. Not the question.</p> <p>23 Very simply: Is Wingate Management Company -- would you</p> <p>24 describe it is a security consulting company? Yes or no?</p> <p>25 A I would not.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q Okay. So you understand, in this case, that the</p> <p>2 standard of care that we're judging for Wingate is as a</p> <p>3 property management company, correct?</p> <p>4 MR. BOUCHARD: Object to form.</p> <p>5 THE WITNESS: What I will say, sir, is what I've been</p> <p>6 asked to offer an opinion on is the responsibility related</p> <p>7 to security, the reasonableness of security measures.</p> <p>8 BY MR. CLAYTON</p> <p>9 Q I understand that. Not my question. I'm asking if</p> <p>10 it's your understanding or not that the standard of care in</p> <p>11 this case for Wingate is as a property management company</p> <p>12 because that's what it is? Do you understand that or do you</p> <p>13 not understand that? It's a yes or no question.</p> <p>14 MR. BOUCHARD: Object to form.</p> <p>15 THE WITNESS: The standard of care is as a property</p> <p>16 management company, is that what --</p> <p>17 BY MR. CLAYTON</p> <p>18 Q Yes. I'm asking if that's your understanding. Is</p> <p>19 that your understanding today, as we sit here?</p> <p>20 A Well, I think you're asking me to draw -- what it</p> <p>21 sounds like is a legal conclusion. What I was asked to offer</p> <p>22 an opinion on was the reasonableness of security measures, and</p> <p>23 those -- the reasonableness of security measures or the</p> <p>24 adequacy of security measures or the preventability of an</p> <p>25 incident would extend to Wingate Management.</p>	<p style="text-align: right;">Page 28</p> <p>1 accepted publications in the security industry that are not</p> <p>2 specific to apartment complexes and that do not say, well,</p> <p>3 you're only looking at it as compared to other apartment</p> <p>4 complexes or it's only judged against other apartment</p> <p>5 complexes. My answer is no, sir.</p> <p>6 It's -- as a security professional, the way I'm</p> <p>7 examining it and the conclusions and opinions that I'm</p> <p>8 formulating are against, number one, my own training,</p> <p>9 experience, certification as a board-certified security</p> <p>10 management professional. It's also what's published and widely</p> <p>11 accepted in the security industry. So again, it doesn't say</p> <p>12 only look at it or only judge it compared to other like</p> <p>13 properties or like industries or similar -- you know, similar</p> <p>14 businesses. It says these are the standards that all</p> <p>15 organizations should comply with. And it's agnostic of the</p> <p>16 specific industry.</p> <p>17 Q And that -- so first of all, I am not, at any point</p> <p>18 in time today, asking you to be the judge in this case. I</p> <p>19 understand that. So if at any point in time you think I'm</p> <p>20 asking you to tell us what the law is, you do not have to think</p> <p>21 that. But to your latter point, so you are not comparing</p> <p>22 Wingate to other similar properties; is that right? Because</p> <p>23 for you, it applies -- the same standards apply across the</p> <p>24 board whether you are a hospital or a office building or Lennox</p> <p>25 Mall. It all applies. You are not specifically comparing them</p>
<p style="text-align: right;">Page 27</p> <p>1 Q Okay. That's not my question. My question is: Is</p> <p>2 that your understanding, yes or no, that the standard of care</p> <p>3 in this case for Wingate is as a property management company?</p> <p>4 A Can you explain to me what you mean by standard of</p> <p>5 care?</p> <p>6 Q Sure. It is judged as other property management</p> <p>7 companies in like and similar circumstances act. It not judged</p> <p>8 against a commercial building standard. It is not judged</p> <p>9 against a church or a school. It's judged against it's peers?</p> <p>10 You understand that; is that right?</p> <p>11 MR. BOUCHARD: Object to form.</p> <p>12 THE WITNESS: Yes, I under -- thank you for that</p> <p>13 clarification. I would disagree. I would say that it is</p> <p>14 judged in a security context. Well, number one, it's for</p> <p>15 the judge to decide or -- how that is laid out. What I've</p> <p>16 been asked to do is conduct an analysis against the</p> <p>17 publications that exist in the security industry.</p> <p>18 BY MR. CLAYTON</p> <p>19 Q I understand that.</p> <p>20 A And if I may --</p> <p>21 Q Uh-huh.</p> <p>22 A I would use many of the same -- not all of the same,</p> <p>23 but many of the same publications if we were, to your point,</p> <p>24 looking at a church or a school or a hospital. I would use</p> <p>25 many of the same consensus-based, peer-reviewed, widely</p>	<p style="text-align: right;">Page 29</p> <p>1 to other multifamily housing, correct?</p> <p>2 A So my analysis did not include comparing Wingate or</p> <p>3 Bedford Pines to other apartment complexes.</p> <p>4 Q You were not? That's what you said, you were not</p> <p>5 comparing them to other apartment complexes?</p> <p>6 A No, what I said, sir, was my analysis did not include</p> <p>7 comparing Wingate or Bedford Pines to other apartment</p> <p>8 complexes.</p> <p>9 Q Why not?</p> <p>10 A I believe I have answered the question a few times</p> <p>11 now, sir.</p> <p>12 Q No, you haven't. That's a very specific question.</p> <p>13 Why did your analysis not include comparing Bedford Pines to</p> <p>14 other apartment complexes?</p> <p>15 A So as I laid out in my report, the standards,</p> <p>16 guidelines, and accepted practices layout -- and to your point,</p> <p>17 sir, one of the standards I rely on extensively is the physical</p> <p>18 asset protection standard which is an ANSI standard. And I</p> <p>19 talk in my report about the different sources that my opinions</p> <p>20 are derived from.</p> <p>21 Q And are you prohibited from comparing it to other</p> <p>22 apartment complexes by whatever standards you are looking at?</p> <p>23 A May I finish answering the previous question, sir?</p> <p>24 Q Sure.</p> <p>25 A Okay. So the American National Standards Institute,</p>

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<p style="text-align: right;">Page 30</p> <p>1 ASIS International, the National Fire Protection Association, 2 the IPSC, and I also used a guide or a publication that is 3 specific to protecting apartments, condominiums, and gated 4 communities. So while there are some things that I relied upon 5 that are very specific to apartments, the NFPA has a whole 6 section dedicated to apartment buildings or what they call 7 multidwelling unit buildings and it's laid out on Page 27. 8 Things that -- the section of the National Fire Protection 9 Association guide for security where it speaks specifically to 10 apartment complexes. I have that referenced. 11 And I relied upon these things, things that were 12 specific -- security industry publications that are specific to 13 apartment complexes, but then other standards and other 14 guidelines that are what we call site agnostic or industry 15 agnostic that cut across industries. So to answer your 16 question, I relied on information that is very specific to 17 apartment complexes, but what I didn't do is compare Bedford 18 Pines to other apartment complexes to say how it ranks against 19 other apartment complexes because, number one, that was outside 20 the scope of my assignment. I was not asked to do that. 21 And number two, just because -- what one apartment 22 complex or what a group of apartment complexes do or don't do, 23 it does not dictate whether or not a reasonable level of 24 security was provided. What dictates -- or what a reasonable 25 level of security looks like is the information I have</p>	<p style="text-align: right;">Page 32</p> <p>1 scope of your assignment to compare this apartment to other 2 apartment communities within Georgia specifically as it 3 compared to them? 4 A If I may clarify what I just said. 5 Q Well, answer my question first and then you can 6 clarify whatever. 7 A Well, I'm trying to answer the question you asked me 8 and then mischaracterized my response. 9 Q Go ahead and answer the question I just asked you and 10 then you and then you can obviously fill in whatever you would 11 like. But I would like you to answer the question that I asked 12 you? 13 A Could you repeat the question, please? 14 Q Am I correct that it was not within the scope of the 15 course of what you were asked to do to compare the specific 16 security provided at Bedford Pines against specific security 17 provided at identifiable apartment complexes around Georgia? 18 A Yes. 19 Q Could you have done that had you been asked? Are you 20 qualified to do that had you been asked? Right now I'm just 21 asking you: Are you qualified to do that had you been asked? 22 A Yes, I am qualified to do that had I been asked, but 23 what I would say to the person who asked me to do that is 24 everything I just said to you a minute ago, which is that's not 25 going to inform reasonableness of security measures at Bedford</p>
<p style="text-align: right;">Page 31</p> <p>1 referenced here along with my own training certifications, 2 experience, in addition to the history of crime at the property 3 itself. So when looking at different apartment complexes, to 4 your point as to why I didn't do it, there are a lot of 5 variables there and that would require a lot of different 6 information. 7 It would require the analysis of lots of different 8 information and it's very difficult, number one, to say that 9 apples -- it's apples and apples, you know, because there's so 10 many variations from one location to another. 11 Q So you have not -- that was outside the scope of your 12 assignment is what you said, that's why you have not done that? 13 MR. BOUCHARD: Object to form. 14 THE WITNESS: Well, no, sir. 15 BY MR. CLAYTON 16 Q You literally just said it was outside the scope of 17 my assignment to do that. Am I -- did you just say that? 18 MR. BOUCHARD: I think that mischaracterizes the 19 answer. That was said in part, so I'm objecting. 20 MR. CLAYTON: That's fine. 21 BY MR. CLAYTON 22 Q But I mean, I'm -- I don't need you to talk about 23 what you did do. I'm asking you what you didn't do. 24 A No, sir, would -- 25 Q So I think it's important to ask: Was it within the</p>	<p style="text-align: right;">Page 33</p> <p>1 Pines. That may inform reasonableness of security measures at 2 other properties, but by comparing a bunch of apartment 3 complexes and saying, well, what in aggregate did they all do 4 as compared to Bedford Pines, that's not what the methodology 5 that's accepted in the security industry states. 6 Nowhere does it state look at a bunch of different 7 apartment complexes, add then all up and divide by the number 8 of apartment complexes you looked at and that -- that's 9 reasonable security. It simply doesn't work that way, sir. It 10 follows the methodology that I have laid out, which is widely 11 accepted in the security industry, as published by the IPSC, 12 the standards, guidelines, and accepted practices published by 13 ASIS International, as well as several other publications that 14 are peer-reviewed and consensus based, some of which cut across 15 industries, some of which are very specific to apartment 16 complexes. That's what I relied on. 17 Q So you don't know, as we sit here today, if a single 18 apartment complex that you can identify for me, as we sit here 19 today, follows all of the things that you say in your report; 20 is that right? Because you say -- what you say is not based on 21 whether they do it or not. You say reasonable is based upon 22 the methodology used, not whether it's put in place and 23 practice, correct? 24 A I don't -- can you break that question down a little 25 bit, please?</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q Sure. Can you name any apartment complexes in Fulton 2 County by name that have done everything that you say is 3 reasonable as set forth in your report? 4 A I can not. 5 Q All right. Can you name a single apartment complex 6 in the state of Georgia that has followed what you say is 7 reasonableness as set forth in your report? 8 A I cannot. That's research I haven't done and wasn't 9 asked to do and don't intend to do. 10 Q Now, do you believe that you are an expert in 11 security? 12 A I do. 13 Q You understand that being an expert in security does 14 not qualify you as an expert in property management, correct? 15 A I do. 16 Q Just like being an expert in property management does 17 not qualify you to be a security expert, correct? 18 A Yes, sir, I understand that. 19 Q You agree the shooting happened -- the shooter is on 20 a City of Atlanta property? You understand that, correct? 21 A Say that again, sir. 22 Q The shooters were in a car that was driving on a City 23 of Atlanta street, a public street? 24 A We're talking about -- now we're talking about the 25 incident? Yes. that again.</p>	<p style="text-align: right;">Page 36</p> <p>1 A It does, yes. 2 Q All right. The vehicles from where the shots fired, 3 they never came on Wingate property during the relevant time 4 period that we know about, correct? 5 A Based on the video that we have and we don't see the 6 car the entire time -- it comes on screen and it comes off 7 screen -- based on the information we have, yes, that's 8 correct. 9 Q And you understand that there is a street and there's 10 a sidewalk and there's a fence and a court yard in the 11 buildings that we're talking about, correct? 12 A I do. 13 Q All right. We've already established the street is a 14 public road, correct? 15 A Uh-huh, yes. 16 Q That's a yes. You understand the sidewalk is also 17 public property; is that right? 18 A I do, yes. 19 Q All right. So same question about the sidewalks, you 20 understand testimony and maybe just a general understanding 21 that businesses can have no jurisdiction to dictate what occurs 22 on a public sidewalk, correct? 23 A Yes. 24 Q You understand from the record here that the Bedford 25 Pines apartments are what has been called a scatter site</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Okay. So we are in agreement that street is a public 2 road? 3 A Yes, sir. 4 Q All right. You agree with me that only law 5 enforcement can dictate what occurs on a public road, correct? 6 MR. BOUCHARD: Object to form. 7 BY MR. CLAYTON 8 Q Private businesses cannot go and set up barricades 9 and prevent who goes up and down a public road, can they? 10 A Of their own volition, you're correct. 11 Q They have to have permission from the city. You can 12 get a permit. I understand all that. But that's just acting 13 under permission with approval from a public entity, correct? 14 A Right. There's steps that can be taken in order to 15 do those things. There is information that can be conveyed in 16 order to do those things, so those things are possible. But of 17 their own volition without any permission or, you know, prior 18 approval, no. 19 Q You agree with me -- you've seen the video of this 20 incident; is that right? 21 A I'm sorry? 22 Q You've seen the video of this incident? 23 A I have, yes. Well, I've seen the video that's 24 available, yes. 25 Q Which shows the shooting, right?</p>	<p style="text-align: right;">Page 37</p> <p>1 property that spans many, many blocks; is that right? 2 A That's correct, yes. 3 Q And in between around it's many buildings are public 4 roads, sidewalks, private businesses, public parks, correct? 5 A Yes. 6 Q And you would agree with me that Wingate has no 7 control or the ability to dictate what happens in the public 8 parks, correct? 9 A Without prior approval, without coordination with the 10 city, yes. 11 Q And Wingate has no control or the ability to dictate 12 what happens on other private property or other businesses, 13 correct? I mean there's a Taco Bell down the street from where 14 this happened, Wingate can't tell the owners at that Taco Bell 15 what to do on their property, can they? 16 A They cannot force them to do anything. 17 Q Okay. Do you understand, one way or the other, if 18 the cars that the shooters were riding in were stolen? 19 A I don't know. 20 Q Okay. We know from the video that the cars never 21 actually stopped, meaning that they were -- they did, I 22 believe, slow down, but they were rolling the whole time that 23 the shooting took place, correct? 24 A As far as I recall from the video, yes. 25 Q And you would agree with me that --</p>

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<p style="text-align: right;">Page 38</p> <p>1 A From what's seen in the -- sorry, I apologize. I</p> <p>2 just want to clarify. From what is seen in the video that we</p> <p>3 have, I would agree with you.</p> <p>4 Q Let me -- we know, we can see in the video where</p> <p>5 they're driving and they fire shots and then they drive off,</p> <p>6 correct?</p> <p>7 A Right, but again, but the car come -- as my</p> <p>8 recollection, the car comes in and out of view of the cameras.</p> <p>9 It's not under camera surveillance the entire time.</p> <p>10 Q So are you saying that you think -- you think that</p> <p>11 there may be video out there that there was -- they came and</p> <p>12 shot them beforehand or shot them afterwards that we don't</p> <p>13 have? I'm trying to understand what you think may be missing</p> <p>14 because it seems like you're trying to qualify your answer when</p> <p>15 I've seen video and I've -- what am I missing?</p> <p>16 A Again, you see the car come in and out of view of the</p> <p>17 cameras. You see it drive up the block and then it goes out of</p> <p>18 view of the camera or the video and then it drives back the</p> <p>19 other direction and it comes back into view.</p> <p>20 Q But we have other views that the -- the car, we can</p> <p>21 see it from other cameras. Have you not seen --</p> <p>22 A Constant? You can see it constant without</p> <p>23 interruption? Sir, I do not recall watching a video where you</p> <p>24 can see the car without interruption the entire time when it</p> <p>25 drives up the block and then comes back around and drives back</p>	<p style="text-align: right;">Page 40</p> <p>1 A I would say it would -- it would interest me.</p> <p>2 Q But I mean --</p> <p>3 A If there's -- I'm not -- it wouldn't surprise me nor</p> <p>4 not surprise me. It would be interesting to see data that</p> <p>5 supports the assertion you're making. I have not seen that</p> <p>6 data.</p> <p>7 Q Okay. Would you agree with me that people who are</p> <p>8 affiliated or in gangs, criminal street gangs, are more likely</p> <p>9 to be involved in drive-by shootings than people who are not</p> <p>10 affiliated or involved in criminal street gangs?</p> <p>11 A I would offer the same answer. I don't have data to</p> <p>12 support -- I haven't seen data to support that people who are</p> <p>13 involved in criminal street gangs are more likely to be</p> <p>14 involved in drive-by shootings.</p> <p>15 Q Yes. Do you agree that people who are involved in</p> <p>16 criminal street gangs are more likely to be involved in</p> <p>17 shootings in general than members of the public who are not</p> <p>18 affiliated or in criminal street gangs?</p> <p>19 A Same answer, I don't have data to support the</p> <p>20 assertion you're making.</p> <p>21 Q But you agree with me that common sense would</p> <p>22 dictate, from what you know, that if someone is involved in a</p> <p>23 criminal street gang, that they are more likely to be involved</p> <p>24 in violence than people who are not?</p> <p>25 A I would agree that if you are involved in a criminal</p>
<p style="text-align: right;">Page 39</p> <p>1 down the block.</p> <p>2 Q Okay, so that's fine. You don't know if it's -- you</p> <p>3 don't know if there's such a video or not? It's not a trick</p> <p>4 question. I'm just --</p> <p>5 A I don't recall seeing a video where the vehicle is</p> <p>6 under constant surveillance.</p> <p>7 Q Okay. Any reason to think that the vehicle stopped</p> <p>8 at any point in time?</p> <p>9 A No, sir.</p> <p>10 Q Okay. Would you agree with me, just in general, that</p> <p>11 drive-by shootings are particularly difficult to stop because</p> <p>12 of how easy it is for the shooters to get away?</p> <p>13 A No, I would not agree with that.</p> <p>14 Q Would you agree with me that people who sell drugs</p> <p>15 are more likely to be involved in a drive-by shooting? That</p> <p>16 people who don't -- just people who sell drugs, people that</p> <p>17 don't?</p> <p>18 A I've seen no data to support that.</p> <p>19 Q So it would surprise you if people who are in the</p> <p>20 drug trade are more likely to be shot in drive-by shootings</p> <p>21 than people who are not?</p> <p>22 A I've never seen anything to support that. I've never</p> <p>23 seen data that supports that claim.</p> <p>24 Q That's not my question. My question is: Would that</p> <p>25 surprise you?</p>	<p style="text-align: right;">Page 41</p> <p>1 street gang, that violence occurs in that context. Whether</p> <p>2 it's more likely than other context, I would need to see data</p> <p>3 to support that.</p> <p>4 Q You would agree with me that -- well, let me back up.</p> <p>5 In your law enforcement background, did you ever have any</p> <p>6 specific involvement in criminal street gangs? I assume</p> <p>7 fugitives, there may have been some -- but were you ever in a</p> <p>8 gang unit, you know, a dedicated gang unit or anything like</p> <p>9 that?</p> <p>10 A I was never in a dedicated gang unit, but I did</p> <p>11 have -- there were many fugitives that I arrested that were</p> <p>12 involved in some level of gang activity, yes.</p> <p>13 Q Was there -- any of them involved in any violence?</p> <p>14 A Yes.</p> <p>15 Q Were you ever involved in any violent encounters with</p> <p>16 anyone associated with a criminal street gang?</p> <p>17 A I'm sure I was, but I was also involved with more</p> <p>18 violent encounters with people who were not, with people who</p> <p>19 suffered some type of mental affliction. The most violent</p> <p>20 encounters I can remember were people who were not involved in</p> <p>21 criminal street gangs.</p> <p>22 Q People who having like acture mental crisis?</p> <p>23 A Things of that nature, yes.</p> <p>24 Q So would you -- do you believe that you're a gang</p> <p>25 expert, gang violence expert?</p>

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<p>1 A I am not.</p> <p>2 Q Do you generally understand, though, that in a</p> <p>3 drive-by shooting, including this one, the motivation for it is</p> <p>4 gang violence between two rival criminal street gangs?</p> <p>5 MR. BOUCHARD: Object to form.</p> <p>6 THE WITNESS: Can you break that question down?</p> <p>7 BY MR. CLAYTON</p> <p>8 Q Sure. Have you read the report of Mark Belknap?</p> <p>9 A I have not.</p> <p>10 Q You have not seen his report?</p> <p>11 A I have not.</p> <p>12 Q He is an expert who has been disclosed in this case.</p> <p>13 His report definitively identifies that this shooting is a</p> <p>14 matter between two criminal street gangs and outlines what came</p> <p>15 before it and what came after it. Would it interest you to</p> <p>16 have all the details of how this shooting happened?</p> <p>17 A It would.</p> <p>18 Q And that's something you would like to see?</p> <p>19 A Of course. As I said at the onset, the more</p> <p>20 information, the better in this case. Of course I would like</p> <p>21 to see additional information. I would -- I'm curious as to</p> <p>22 why that wasn't turned over to me earlier, information to</p> <p>23 support the assertion you're making.</p> <p>24 Q The assertion I'm making, it was produced in the</p> <p>25 expert report the same day that yours was filed in this case.</p>	<p>1 BY MR. CLAYTON</p> <p>2 Q And if there was such information, that would be very</p> <p>3 important for you to see, right?</p> <p>4 A Well, I would say as important -- I would say that</p> <p>5 that information --</p> <p>6 Q Go ahead.</p> <p>7 A I would say that that information is as important as</p> <p>8 everything else so, of course, I would want to see that. But</p> <p>9 if you're asking me if by virtue of the fact -- if -- how do I</p> <p>10 want to say this? Yeah, of course, I would like to see as much</p> <p>11 information as possible.</p> <p>12 Q Okay. And, of course, if could change your opinions</p> <p>13 in this case if, for instance, you got a detailed explanation</p> <p>14 of exactly what went into this particular shooting and its ties</p> <p>15 to criminal street gangs, correct?</p> <p>16 MR. BOUCHARD: Object to form.</p> <p>17 THE WITNESS: Not necessarily. I mean, additional</p> <p>18 information, of course, I would consider. But if you're</p> <p>19 asking me if this one piece of information about the</p> <p>20 motivation of the shooting would negate my opinion or</p> <p>21 would alter all of my opinions, the answer is no.</p> <p>22 BY MR. CLAYTON</p> <p>23 Q Well, you're saying it absolutely would not, no</p> <p>24 matter what you've learned that you don't know, it's never</p> <p>25 going to change your opinions or you just can't say whether it</p>
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<p>1 We all filed them on the same day, so they've been around for a</p> <p>2 few weeks. But it's my -- I mean, you have not received it?</p> <p>3 A I have not.</p> <p>4 Q Okay. So you don't know if this shooting was the</p> <p>5 product of criminal street gang on criminal street gang</p> <p>6 violence, do you?</p> <p>7 A What I know is that there is nothing in the</p> <p>8 information that I've received that supports that. There's --</p> <p>9 there were no -- yeah, there's nothing in the documentation</p> <p>10 that I've seen, the extensive documentation that I've been</p> <p>11 provided, that supports that assertion.</p> <p>12 Q And that's fine. Let me ask you this, we'll just</p> <p>13 ask: So are you aware of Marcus Sims' criminal background?</p> <p>14 A In part.</p> <p>15 Q Okay. Tell me what you know about his criminal</p> <p>16 background?</p> <p>17 A I don't recall. I believe there's reference in the</p> <p>18 record at some point. I'd have to -- I'd have to go back</p> <p>19 through the material to see.</p> <p>20 Q Was he involved with a member of or affiliated with a</p> <p>21 criminal street gang?</p> <p>22 MR. BOUCHARD: Object to form.</p> <p>23 THE WITNESS: I -- not that I recall. I don't recall</p> <p>24 any information stating that Marcus Sims was in a criminal</p> <p>25 street gang.</p>	<p>1 would or not as we sit here today?</p> <p>2 A I can't say whether it would or not, but what I'm</p> <p>3 offering to you, sir, is I've reviewed a lot of information and</p> <p>4 none of it includes what you're suggesting.</p> <p>5 Q Okay. Keiontay Davis, is he a member of a criminal</p> <p>6 street gang?</p> <p>7 A I have -- there's nothing in the record to support</p> <p>8 that that I've seen.</p> <p>9 Q Would it surprise you that he has pending gang</p> <p>10 charges for murder right now in Fulton County, Georgia today?</p> <p>11 Would that surprise you?</p> <p>12 A That would interest me, sure.</p> <p>13 Q You certainly would want to know that, right?</p> <p>14 A Yes.</p> <p>15 Q Have you had asked Mr. Bouchard for all of the</p> <p>16 criminal -- public criminal records relating to the plaintiffs</p> <p>17 in this case?</p> <p>18 A I've asked him for the information relating to this</p> <p>19 incident.</p> <p>20 Q And of course, someone who has pending gang criminal</p> <p>21 charges for murder could be related to this incident, this</p> <p>22 drive-by shooting, correct?</p> <p>23 A It is. My question would be: Does that predate the</p> <p>24 shooting?</p> <p>25 Q Look, I'm not here to testify today, you are. This</p>

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<p style="text-align: right;">Page 46</p> <p>1 is a shooting. He is on pending criminal charges for murder 2 for a shooting dealing with a criminal street gang. You agree 3 that absolutely could have to do with this shooting here, 4 correct? 5 MR. BOUCHARD: Object to form. 6 THE WITNESS: I'd need to see the information. I'd 7 need to -- I'd need to read and analyze the information 8 before I formulated any type of conclusion or opinion. 9 BY MR. CLAYTON 10 Q Okay. Let's talk about Mr. Long. What do you know 11 about his criminal street gang or criminal record history? 12 A As I sit here today, I don't recall. 13 Q Okay. Would it surprise you that Mr. Long has an 14 arraignment for gang -- criminal street gang and RICO charges 15 June 3rd? That is a -- two weeks from today here in Fulton 16 County, would that surprise you? 17 A It would interest me, yes. 18 Q And that is for activity in 2020. That would be very 19 relevant to your opinions, correct? 20 MR. BOUCHARD: Object to form. 21 THE WITNESS: I don't know. Again, I would need to 22 see the information, analyze the information before I 23 could formulate an opinion about information -- or how the 24 information affects my opinions. 25 BY MR. CLAYTON</p>	<p style="text-align: right;">Page 48</p> <p>1 Q Because, again, I believe you are qualified to 2 testify that people who are engaged in the sale of drugs, 3 criminal street gangs, they can be specifically targeted for 4 their involvement in that criminal activity, correct? 5 MR. BOUCHARD: Object to form. 6 BY MR. CLAYTON 7 Q Can be? 8 A As much as people can be targeted for anything. 9 Q So is it your testimony that being a member of a 10 violent criminal street gang and drug dealers, one of the known 11 risks for those people is not being shot or subjected to 12 violence? 13 A You're asking is that a known risk? 14 Q Yes. 15 A Yes, it is. 16 Q But being a lawyer, it's not known risk to be shot by 17 virtue of my employment? They are different? 18 A I've had lots of lawyers that were threatened to be 19 shot that I was responsible for safeguarding. I spent lots of 20 time protecting lawyers, to include judges, who were threatened 21 with extreme violence on a regular basis. 22 Q So in your opinion, anyone who is involved in a 23 violent street gang who is involved in shooting of other rival 24 street gang members, you can't say whether or not they have an 25 expectation of being shot or not, correct?</p>
<p style="text-align: right;">Page 47</p> <p>1 Q Okay. What about Demario Newton? What do you know 2 about his involvement in criminal street gangs in his criminal 3 history? 4 A I have seen nothing in the information I've been 5 provided to substantiate that. 6 Q And I want to know specifically: Did you tell 7 Mr. Bouchard, at any point in time, to not provide you with 8 relevant information in this case? 9 A I did not. 10 Q Did you ever tell him that you want to have all the 11 relevant information in this case? 12 A I did. 13 Q So if these documents exist -- and I know you don't 14 know if they do -- you would have expected they would have been 15 provided to you, correct? 16 A If they were relevant -- anything relevant to my 17 analysis of the case, yes. 18 Q Okay. Ricky Phillips, another plaintiff, what do you 19 know about his criminal history, current pending criminal 20 charges, and criminal street gang affiliations? 21 A Nothing. 22 Q Would that also be things that you would want to 23 know? 24 A Again, like I said, information that's relevant to 25 this incident, I would want to see.</p>	<p style="text-align: right;">Page 49</p> <p>1 MR. BOUCHARD: Object to form. 2 THE WITNESS: I don't think I understand the 3 question. 4 BY MR. CLAYTON 5 Q That's fine. So fair to say, as we sit here today, 6 you have no insight into the motivation of the shooters who 7 fired the shots on the night in question, correct? 8 A Well, I do not. As a matter of fact, that's another 9 unfortunate part of this case, very unfortunate part of this 10 case by not having proper security measures in place. One of 11 the things I talk about in my reporter is the importance of 12 video surveillance from an evidentiary perspective, so having 13 reasonable video surveillance in place could have identified 14 the shooters, could have summoned a response to get them into 15 custody immediately but that didn't happen. That wasn't -- 16 that wasn't in place at the time, so -- 17 Q Again, you don't know -- we have the information. We 18 know it. It's in this case. We know exactly what happened. 19 But you don't know, as we sit here today, that information, 20 correct? 21 MR. BOUCHARD: Object to form. 22 THE WITNESS: I haven't see it, sir. 23 BY MR. CLAYTON 24 Q Exactly. So it's unfortunate that you don't know 25 that because knowing the motivations for the shooters and why</p>

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<p style="text-align: right;">Page 50</p> <p>1 they did what they did certainly goes to whether or not the</p> <p>2 shooting is preventable or not, correct?</p> <p>3 A Not necessarily.</p> <p>4 Q I didn't say necessarily. I said knowing the</p> <p>5 motivations of the shooters and why they did it, certainly goes</p> <p>6 to whether or not it's preventable, correct?</p> <p>7 A I would need to know more about when you say goes to.</p> <p>8 Q It impacts whether it's preventable or not, correct?</p> <p>9 A Not necessarily.</p> <p>10 Q I didn't say not necessarily. So you're saying yes,</p> <p>11 it does because you're not saying no. You're saying not</p> <p>12 necessarily. And I agree, I'm not saying it does in</p> <p>13 100 percent of the cases. That's not my question. I'm saying:</p> <p>14 Know the motivations and the reasons that a particular set of</p> <p>15 people shot at these people in this case goes to whether or not</p> <p>16 this shooting is preventable, correct?</p> <p>17 MR. BOUCHARD: Object to form.</p> <p>18 THE WITNESS: Again, not necessarily.</p> <p>19 BY MR. CLAYTON</p> <p>20 Q I didn't say not necessarily. I --</p> <p>21 A No, you're asking me a question and I'm providing --</p> <p>22 you're asking me if the motivation goes to the preventability</p> <p>23 and what I'm -- again, what I'm saying is it doesn't</p> <p>24 necessarily. The motivation -- to say that, well, in one</p> <p>25 motivated shooter, you know -- please --</p>	<p style="text-align: right;">Page 52</p> <p>1 involved in often involve people with mental illness, that</p> <p>2 could have been at play here. The security principles</p> <p>3 don't change based on someone's motivation. So security</p> <p>4 principles don't make allowance for, oh, if this is a</p> <p>5 gang-related shooting, then it's not preventable. That's</p> <p>6 nowhere in the information I site and my own training,</p> <p>7 experience, and board certification security management</p> <p>8 say otherwise.</p> <p>9 BY MR. CLAYTON</p> <p>10 Q Okay. Again, so we agree, if you knew the</p> <p>11 motivations for this shooting, it could impact your opinions on</p> <p>12 preventability, correct?</p> <p>13 A No, I don't think it would.</p> <p>14 Q No matter what the actual true facts are, it would</p> <p>15 never change your opinion. Then you don't even need to know</p> <p>16 the then; is that right?</p> <p>17 MR. BOUCHARD: Object to form.</p> <p>18 THE WITNESS: Again, the more information I can see</p> <p>19 and analyze -- I can't say what would change my opinion or</p> <p>20 what wouldn't change my opinion. Of course, I'm going to</p> <p>21 look at all relevant information and take time to analyze</p> <p>22 relevant information. I'm not saying I'm going to</p> <p>23 discount anything. But what I am saying is the</p> <p>24 motivation -- for the motivation to dictate the</p> <p>25 preventability is something I disagree with.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q Another way to say is yes it could -- yes --</p> <p>2 A Please let me finish.</p> <p>3 Q Yes, it could go to preventability?</p> <p>4 MR. BOUCHARD: Are you going to let him finish the</p> <p>5 answer?</p> <p>6 MR. CLAYTON: Sure, yeah, that's fine. I'm asking</p> <p>7 him a question and he's not answered it multiple times,</p> <p>8 but sure.</p> <p>9 MR. BOUCHARD: Ask question and one answer.</p> <p>10 THE WITNESS: My time --</p> <p>11 MR. CLAYTON: You want to reask the question that's</p> <p>12 outstanding or do you know the question.</p> <p>13 THE WITNESS: I believe I understand the question.</p> <p>14 So there are lots of different reasons people commit</p> <p>15 shootings, and to say that in one motivation -- based on</p> <p>16 this motivation it's not preventable, based on that</p> <p>17 motivation, it is preventable, that I disagree with. Of</p> <p>18 course I'd like to see more information. Of course, if</p> <p>19 there is information relevant to the case, of course I'm</p> <p>20 interested in seeing it. I'm not -- I'm not going to</p> <p>21 ignore any piece of information.</p> <p>22 But what I would say is: If knowing the motivation</p> <p>23 is gang-related versus knowing the motivation is</p> <p>24 retaliatory or knowing the motivation is mental illness,</p> <p>25 as I mentioned, the most violent encounters I've been</p>	<p style="text-align: right;">Page 53</p> <p>1 BY MR. CLAYTON</p> <p>2 Q So you have no criticisms of Mark Belknap's report</p> <p>3 necessarily because you haven't read it, correct?</p> <p>4 A Well, I don't know anything about it. I don't know</p> <p>5 what conclusions he draws other than what you're saying right</p> <p>6 now.</p> <p>7 Q Exactly. So that's a very simple question. You can</p> <p>8 just say, yes, I have no criticisms because I haven't read it.</p> <p>9 So let me ask that again. You don't have any criticisms of</p> <p>10 Mark Belknap's report because you haven't read it, correct?</p> <p>11 A Correct.</p> <p>12 Q All right. Do you have any reason to dispute that</p> <p>13 Mr. Long was a drug dealer at the time of the shooting?</p> <p>14 MR. BOUCHARD: Object to form.</p> <p>15 THE WITNESS: I don't have any information to support</p> <p>16 that.</p> <p>17 BY MR. CLAYTON</p> <p>18 Q There's records in the records in this case, plus</p> <p>19 there's the public records down at the Fulton County.</p> <p>20 A I'm saying in the information, the documentation I've</p> <p>21 received in this case, I don't have anything to support that.</p> <p>22 Q Okay. Do you have any reason to dispute Mr. Sims was</p> <p>23 a drug dealer at the time of this shooting?</p> <p>24 MR. BOUCHARD: Object to form.</p> <p>25 THE WITNESS: I don't have any -- I have received no</p>

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<p style="text-align: right;">Page 54</p> <p>1 documentation to support that.</p> <p>2 BY MR. CLAYTON</p> <p>3 Q Do you have any reason to dispute that Mr. Newton was</p> <p>4 a drug dealer at the time of the shooting?</p> <p>5 MR. BOUCHARD: Object to form.</p> <p>6 THE WITNESS: Same answer, I have no documentation</p> <p>7 that supports that.</p> <p>8 BY MR. CLAYTON</p> <p>9 Q Do you have any reason to dispute that Mr. Phillips</p> <p>10 was a drug dealer at the time of the shooting?</p> <p>11 MR. BOUCHARD: Same objection.</p> <p>12 THE WITNESS: I have no documentation that supports</p> <p>13 that.</p> <p>14 BY MR. CLAYTON</p> <p>15 Q Do you have any reason to dispute that Mr. Davis was</p> <p>16 a drug dealer at the time of the shooting?</p> <p>17 MR. BOUCHARD: Same objection.</p> <p>18 THE WITNESS: I have no documentation that supports</p> <p>19 that.</p> <p>20 BY MR. CLAYTON</p> <p>21 Q Did you discount the fact that one or more of the</p> <p>22 plaintiffs were drug dealers or assume that they were not for</p> <p>23 the purposes of your opinions?</p> <p>24 A I'm sorry, I don't understand the question.</p> <p>25 Q Did you assume, for the purpose of your opinions,</p>	<p style="text-align: right;">Page 56</p> <p>1 Q Do you have any reason to dispute that Mr. Davis was</p> <p>2 affiliated with a criminal street gang at the time of the</p> <p>3 shooting?</p> <p>4 A I have no information to support that. I'd like to</p> <p>5 take a break if we could.</p> <p>6 Q One quick question. Did you discount the fact that</p> <p>7 one or more of the plaintiffs were affiliated with a criminal</p> <p>8 street gang or assume that they were not for the purposes of</p> <p>9 your opinions?</p> <p>10 A I'd like to take a break. I think I asked for a</p> <p>11 break. There was no question on the table.</p> <p>12 Q Well, that's the last question of that whole set, so.</p> <p>13 MR. BOUCHARD: We'll take a break after this one.</p> <p>14 THE WITNESS: Okay. Could you repeat the question,</p> <p>15 please?</p> <p>16 BY MR. CLAYTON</p> <p>17 Q Did you discount for the fact that one or more of the</p> <p>18 plaintiffs were affiliated with a criminal street gang or</p> <p>19 assume they were not for the purposes of your opinions?</p> <p>20 A I believe that question was already answered.</p> <p>21 Q No, that was for gang -- excuse me, that was for drug</p> <p>22 dealing.</p> <p>23 A Okay. Say it one more time, please. I'm missing</p> <p>24 something.</p> <p>25 Q Did you discount the fact that one or more of the</p>
<p style="text-align: right;">Page 55</p> <p>1 that they were law-abiding citizens?</p> <p>2 A For the purposes of my opinions, did I assume that</p> <p>3 they were law-abiding citizens? I didn't draw a conclusion nor</p> <p>4 was I asked to draw a conclusion as to whether they were</p> <p>5 law-abiding citizens or not law-abiding citizens. I was asked</p> <p>6 to draw conclusions or formulate opinions about security</p> <p>7 measures and the preventability of this crime that were</p> <p>8 existence at the time. So I wasn't asked to analyze their</p> <p>9 status as law-abiding citizens or not law-abiding citizens.</p> <p>10 Q Do you have any reason to dispute that Mr. Long was</p> <p>11 affiliated with a criminal street gang at the time of this</p> <p>12 shooting?</p> <p>13 A I have no information to support that.</p> <p>14 Q Do you have any reason to dispute that Mr. Sims was</p> <p>15 affiliated with a criminal street gang at the time of the</p> <p>16 shooting?</p> <p>17 A I have no information to support that.</p> <p>18 Q Do you have any reason to dispute that Mr. Newton was</p> <p>19 affiliated with a criminal street gang at the time of the</p> <p>20 shooting?</p> <p>21 A I have no information to support that.</p> <p>22 Q Do you have any reason to dispute that Mr. Phillips</p> <p>23 was affiliated with a criminal street gang at the time of the</p> <p>24 shooting?</p> <p>25 A I have no information to support that.</p>	<p style="text-align: right;">Page 57</p> <p>1 plaintiffs were affiliated with a criminal street gang or</p> <p>2 assume they were not for the purposes of your opinions?</p> <p>3 A Could you break that question down, please?</p> <p>4 Q Did you assume that the plaintiffs were not</p> <p>5 affiliated with a criminal street gang for the purposes of your</p> <p>6 opinions?</p> <p>7 A Did I assume that they were not members of a criminal</p> <p>8 street gang? I did not assume that they were members of a</p> <p>9 criminal street gang.</p> <p>10 Q I actually asked did you assume that they were not</p> <p>11 members.</p> <p>12 A I did not assume that they were not. I did not</p> <p>13 assume that they were nor did I assume that they were not.</p> <p>14 MR. CLAYTON: Okay. We can take a break.</p> <p>15 THE VIDEOGRAPHER: Off the record 11:15 a.m.</p> <p>16 (BREAK TAKEN)</p> <p>17 THE VIDEOGRAPHER: Back on the video record at</p> <p>18 11:29 a.m.</p> <p>19 BY MR. CLAYTON</p> <p>20 Q All right. So we took a break. Before -- and the</p> <p>21 last -- before the break, you mentioned that you had not seen</p> <p>22 Mark Belknap's report that was produced in this case on</p> <p>23 April 29th. Have you seen Kareem Valani's report that was</p> <p>24 produced on April 29th?</p> <p>25 A I have not.</p>

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<p style="text-align: right;">Page 58</p> <p>1 Q Do you know who Mr. Valani is?</p> <p>2 A I do.</p> <p>3 Q Do you know why you have not seen his report? Is</p> <p>4 that something -- well, you can't answer for someone else.</p> <p>5 Would you have liked to have seen his report?</p> <p>6 A As I said, of course, more information is always</p> <p>7 useful, but I've seen other reports from Mr. Valani on other</p> <p>8 cases as well.</p> <p>9 Q Fair to say that, as we sit here today, since you</p> <p>10 haven't read it, you don't have any criticisms of his report,</p> <p>11 his methodologies, his findings, or his conclusions?</p> <p>12 A Of his report in this case?</p> <p>13 Q In this case?</p> <p>14 A I do not. Yes.</p> <p>15 Q Okay. Have you seen the report of John Grausman that</p> <p>16 was produced in this case on April 29th?</p> <p>17 A I haven't.</p> <p>18 Q Do you know Mr. Grausman?</p> <p>19 A I do -- well, let me clarify. I know who he is. I</p> <p>20 know who Mr. Valani is. They're not friends of mine.</p> <p>21 Q That's fine. You understand that both of those</p> <p>22 individuals are in the security consulting realm?</p> <p>23 A I do.</p> <p>24 Q Would you have liked to have read the reports</p> <p>25 including their facts, the background facts that they have,</p>	<p style="text-align: right;">Page 60</p> <p>1 A Well, as --</p> <p>2 Q That was a bad question. That's not your fault.</p> <p>3 I'll ask it a different way. Can you name a single multifamily</p> <p>4 property that you can opine meets a reasonable security</p> <p>5 standard as outlined in your report?</p> <p>6 A As we discussed earlier, I cannot because that's</p> <p>7 research I haven't been asked to do and don't intend to do.</p> <p>8 Q Generally speaking, it's fair to say that you</p> <p>9 understand that there are many considerations that individual</p> <p>10 businesses have about security, such as budgets, complying with</p> <p>11 local laws, rules, regulations, any number of things, correct?</p> <p>12 A Can you break that question down a little bit?</p> <p>13 Q I'm just saying, while properties, some of them can</p> <p>14 be seen as a whole, there are other unique aspects to how many</p> <p>15 units somebody -- a property has, you know. One has ten, one</p> <p>16 has 1000, like there's just different unique characteristics</p> <p>17 about things, correct?</p> <p>18 A I agree, yes.</p> <p>19 Q Now, have you undertaken any research whatsoever on</p> <p>20 what other multifamily properties actually do in practice in</p> <p>21 Georgia pertaining to security?</p> <p>22 A I have not.</p> <p>23 Q Obviously, what's reasonable from a security</p> <p>24 perspective though, in general, depends on the unique</p> <p>25 characteristics of any particular business, you would agree</p>
<p style="text-align: right;">Page 59</p> <p>1 their conclusions, their methodology in this case? Is that</p> <p>2 something that you would have liked to have read?</p> <p>3 A Again, I'm happy to review any information I'm</p> <p>4 provided with, although I understand that they're drawing</p> <p>5 their conclusions based on the same information -- excuse me --</p> <p>6 that I am.</p> <p>7 Q So just to be fair, they are not because they have</p> <p>8 seen Mark Belknap's report, which you have not, which includes</p> <p>9 the specific reasons for this particular shooting. So that</p> <p>10 would be yet another reason that you would think that would be</p> <p>11 helpful if you could read that in some form or fashion,</p> <p>12 correct?</p> <p>13 MR. BOUCHARD: Object to form.</p> <p>14 THE WITNESS: Again, of course, the more information</p> <p>15 I'm provided with, the better.</p> <p>16 BY MR. CLAYTON</p> <p>17 Q And so fair to say you have no criticisms of</p> <p>18 Mr. Grausman's facts, methodology, principles, methods, or his</p> <p>19 conclusions because you have not read the report?</p> <p>20 A Because I have not read the report, that is correct.</p> <p>21 Q Okay. You cannot name for me a single multifamily</p> <p>22 property in Georgia that meets what you believe to be a</p> <p>23 reasonable security plan, correct?</p> <p>24 A Yes.</p> <p>25 Q I am correct? You cannot name one?</p>	<p style="text-align: right;">Page 61</p> <p>1 with that, correct?</p> <p>2 A Not entirely, no, I would not agree with that.</p> <p>3 Q Well, so it doesn't matter what a -- the operating</p> <p>4 budget of a business is as it pertains to what its security</p> <p>5 needs are, would you -- no? Doesn't have anything to do with</p> <p>6 it?</p> <p>7 A Certainly budget is a consideration. However, to</p> <p>8 make the argument that we didn't provide reasonable security</p> <p>9 because we didn't have a budget, that is not supported anywhere</p> <p>10 that reasonableness of security measures is wholly dependent on</p> <p>11 budget. Budget is a consideration, but to say that it's</p> <p>12 reasonable in this context, but not -- but an organization with</p> <p>13 a lower budget gets a pass, I would not agree with.</p> <p>14 Q So is there a realm where a ten-unit apartment</p> <p>15 complex would have to spend the same amount on the security</p> <p>16 budget as 1000-unit apartment complex?</p> <p>17 A Well, there are a lot of variables in what you're</p> <p>18 saying, sir. And going back to my report and the methodology I</p> <p>19 utilize, to develop a reasonable security plan would require,</p> <p>20 number one, doing a vulnerability assessment, which would</p> <p>21 include analyzing crime at the property. And once that's done,</p> <p>22 then you can determine, you know, what -- what steps are</p> <p>23 reasonable to prevent crime or mitigate it or lower the</p> <p>24 likelihood of it. So there -- they're just -- it's difficult</p> <p>25 to say categorically that a small property, as you're</p>

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<p>1 describing, would be the same or how it would be different.</p> <p>2 There would be a lot more analysis that would go into that</p> <p>3 determination.</p> <p>4 Q So if Wingate Management spent more on security than</p> <p>5 any other business in a three-mile radius, would that impact</p> <p>6 your opinions about whether or not it had a reasonable security</p> <p>7 plan?</p> <p>8 A The amount of money they spend alone is not a driving</p> <p>9 factor in my determination of reasonableness. My determination</p> <p>10 of reasonableness is based on the published standards, the</p> <p>11 published guidelines my own experience. So to say, well, we</p> <p>12 spent a lot of money, if it was spent unwisely and having --</p> <p>13 not having the desired impact, then -- then it's wholly</p> <p>14 ineffective.</p> <p>15 Q Do you know of any business in a three-mile radius of</p> <p>16 Bedford Pines that spent more on security in 2018, 2019, and</p> <p>17 2020 than Wingate did?</p> <p>18 A That's research I haven't done, haven't been asked to</p> <p>19 do, and don't intend to do.</p> <p>20 Q So the answer is, no, you don't know of any others?</p> <p>21 A I do not.</p> <p>22 Q You would agree that the best security presence at</p> <p>23 the property in terms of security personnel would be off-duty</p> <p>24 APD officers, correct?</p> <p>25 A No, it would not.</p>	<p>1 my report, was not reasonable.</p> <p>2 Q Did you conduct a vulnerability assessment of Bedford</p> <p>3 Pines?</p> <p>4 A As I mentioned in my report, I did not. What I did</p> <p>5 was a retrospective analysis.</p> <p>6 Q That's fine. It's really a yes or no question and</p> <p>7 I'm going to ask you a couple here because it's really just a</p> <p>8 yes or no question. Did you conduct a security plan for</p> <p>9 Bedford Pines?</p> <p>10 A Did I conduct a security --</p> <p>11 Q Did you prepare -- did you prepare a security plan</p> <p>12 for Bedford Pines?</p> <p>13 A I did not.</p> <p>14 Q Okay. Let's talk about your work history for a bit.</p> <p>15 A Yes, sir.</p> <p>16 Q Your current employer is Group Nine Risk Consulting;</p> <p>17 is that right?</p> <p>18 A It is.</p> <p>19 Q And you said that it is a two and a half year old</p> <p>20 company; is that right?</p> <p>21 A Almost, yes.</p> <p>22 Q All right. And what is your -- you said founding</p> <p>23 partner is your position?</p> <p>24 A Yes, sir.</p> <p>25 Q How many employees does Group Nine Consulting have?</p>
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<p>1 Q So you do not believe that off-duty APD officers are</p> <p>2 the best security that could be provided there?</p> <p>3 A I do not.</p> <p>4 Q Okay. What company would be the best to provide</p> <p>5 security at the property?</p> <p>6 A Well, I can't say what company would be the best.</p> <p>7 There are several companies that do a good job. There are,</p> <p>8 again, a lot of variables that would go into that</p> <p>9 determination. So I can't provide you with an answer as to</p> <p>10 what company would do the best job.</p> <p>11 Q Okay. So you can't give me the names -- you say APD</p> <p>12 is not the best and you can't tell me who is the best; is that</p> <p>13 right?</p> <p>14 A Well, again, there are several companies that do a</p> <p>15 good job of running security. And for those companies to be</p> <p>16 successful, certain steps need to be taken to include a</p> <p>17 vulnerability assessment, to include a security plan, to</p> <p>18 include putting layered security measures in place and then</p> <p>19 having a certified professional guide the process as to how a</p> <p>20 security company could best compliment or could best augment or</p> <p>21 could best bolster the security at a given property.</p> <p>22 Q Do you -- sorry.</p> <p>23 A Off duty -- if I may finish. Some security companies</p> <p>24 employee off-duty Atlanta Police Department officers. The</p> <p>25 manner in which Wingate did it, for all the reasons outlined in</p>	<p>1 A 1999 or W-2?</p> <p>2 Q Let's just start with W-2.</p> <p>3 A We're in the process of hiring our first W-2.</p> <p>4 Q So as of right now, none, no W-2 employees?</p> <p>5 A Yes, sir.</p> <p>6 Q But you do have some 1099, independent contractors</p> <p>7 that who work with you?</p> <p>8 A Yes, sir.</p> <p>9 Q All right. How many of those do you have?</p> <p>10 A That work with us on a regular basis, there is eight,</p> <p>11 and then I also work with my business partner who is an equity</p> <p>12 partner. He -- he and I work together a lot. So he is a K-1</p> <p>13 essentially, and then we have eight 1099s that we work with</p> <p>14 regularly, and then we have a handful of other 1099 contractors</p> <p>15 that we work with on occasion.</p> <p>16 Q How many of those are what you would deem to be a</p> <p>17 qualified security professional versus an admin type person?</p> <p>18 A A qualified security professional? Several of them</p> <p>19 are.</p> <p>20 Q Okay. And your business partner, what is his or her</p> <p>21 name?</p> <p>22 A Trey Newman.</p> <p>23 Q And is he a qualified security professional?</p> <p>24 A He is.</p> <p>25 Q All right. Does he also provide expert witness</p>

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<p>1 services?</p> <p>2 A He does not.</p> <p>3 Q What is his role?</p> <p>4 A He oversees our proactive services, so in other</p> <p>5 words, doing vulnerability assessments proactively for</p> <p>6 organizations, schools, church, hospital, government buildings,</p> <p>7 travel risk management assessments that we have prepared for</p> <p>8 clients. He oversees those services.</p> <p>9 Q Look through your CV, nothing in there that</p> <p>10 specifically related to multifamily housing or property</p> <p>11 management services, correct?</p> <p>12 A Proactively?</p> <p>13 Q No,your CV, it doesn't have anything specifically</p> <p>14 related to property management services or multifamily housing?</p> <p>15 A It doesn't say those words specifically.</p> <p>16 Q Now, you previously worked for the Marshals Service;</p> <p>17 is that right?</p> <p>18 A Yes, sir.</p> <p>19 Q Let me back up. So your expert witness -- and I know</p> <p>20 you've given two depositions, right?</p> <p>21 A I have.</p> <p>22 Q Have you ever given testimony at trial?</p> <p>23 A As an expert?</p> <p>24 Q Yes.</p> <p>25 A I have not.</p>	<p>1 Q And there were some allegations of some inappropriate</p> <p>2 comments and things of that nature?</p> <p>3 MR. BOUCHARD: Object to form.</p> <p>4 BY MR. CLAYTON</p> <p>5 Q Well, were there allegations of inappropriate</p> <p>6 communications?</p> <p>7 A By some of the deputies, yes.</p> <p>8 Q By some of the senior management?</p> <p>9 A No. There was an allegations of -- what was in the</p> <p>10 news were inappropriate comments made by deputies in the</p> <p>11 office.</p> <p>12 Q And then as a result of their investigation, you were</p> <p>13 transferred?</p> <p>14 A That's correct.</p> <p>15 Q Do you think a single incident like that disqualifies</p> <p>16 you from being a security professional?</p> <p>17 A I do not, and I'll explain why. Number one, I was</p> <p>18 never accused of any wrongdoing. In other words, I was never</p> <p>19 -- I never faced formal disciplinary action as a result of</p> <p>20 that. I was never investigated by internal affairs. And the</p> <p>21 person who led the investigation, contacted me and said that I</p> <p>22 was cleared of any wrongdoing.</p> <p>23 Q Who was that person?</p> <p>24 A That was the formal -- the former US Marshal of the</p> <p>25 Western District of Tennessee. I don't recall her name, but</p>
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<p>1 Q Have any of your cases that you've been working ever</p> <p>2 made it to trial?</p> <p>3 A They have not.</p> <p>4 Q So before going -- opening Group Nine, you worked at</p> <p>5 the US Marshals Service; is that right?</p> <p>6 A That is.</p> <p>7 Q Did you work all over the country?</p> <p>8 A I worked in lots of different locations around the</p> <p>9 country, yes.</p> <p>10 Q Did you ever work in the Atlanta office?</p> <p>11 A I did.</p> <p>12 Q Where did you work at before Atlanta?</p> <p>13 A Denver.</p> <p>14 Q Why were you transferred out of Denver?</p> <p>15 A The government transferred me. The Marshals Service</p> <p>16 transferred me from Denver to Atlanta.</p> <p>17 Q Why?</p> <p>18 A Well, there was a shakeup in the office and senior</p> <p>19 management, including myself, had to transfer because of</p> <p>20 some -- because of an investigation that took place and some</p> <p>21 allegations that were made.</p> <p>22 Q And what were those allegations?</p> <p>23 A To be honest, I never saw the allegations nor did I</p> <p>24 see the report of investigation. I was informed by one of my</p> <p>25 superiors that I have been reassigned to Atlanta.</p>	<p>1 she was the United States Marshal in the Western District of</p> <p>2 Tennessee. She led the investigation. She interviewed me and</p> <p>3 many, many other people. And after the investigation was</p> <p>4 concluded, she was not allowed to provide me with a copy of the</p> <p>5 report, but what she did say was you've been cleared of any</p> <p>6 wrongdoing.</p> <p>7 Q Now, did you work in multiple different roles in the</p> <p>8 Marshal Service?</p> <p>9 A I did.</p> <p>10 Q Now, in your experience with the US Marshals Service,</p> <p>11 was that a law enforcement role?</p> <p>12 A It was.</p> <p>13 Q And some of it involved fugitive task force; is that</p> <p>14 right?</p> <p>15 A A good deal of it involved fugitive task forces, yes.</p> <p>16 Q And some of it involved security plans for</p> <p>17 courthouses?</p> <p>18 A It did, yes.</p> <p>19 Q Obviously the federal courthouse here in Atlanta has</p> <p>20 a different security plan that many private businesses around</p> <p>21 Atlanta, correct?</p> <p>22 A I'm sure it does.</p> <p>23 Q I mean they have barricades. They don't want what</p> <p>24 happened to Oklahoma City. I mean, there's different security</p> <p>25 considerations for federal courthouses than there are for the</p>

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<p style="text-align: right;">Page 70</p> <p>1 law office building that we're sitting in today, right?</p> <p>2 A Different security considerations than many</p> <p>3 businesses, yes. Similar security considerations to other</p> <p>4 businesses, yes. It depends on a number of different variables</p> <p>5 and factors.</p> <p>6 Q Did you go through a metal detector today to come</p> <p>7 into this office?</p> <p>8 A I did not.</p> <p>9 Q If I went to the Northern District Georgia</p> <p>10 courthouse, would I got through a metal detector?</p> <p>11 A You would.</p> <p>12 Q So pretty clearly different security plans and</p> <p>13 considerations?</p> <p>14 A Well, there are several other buildings that have</p> <p>15 metal detectors. Schools have metal detectors.</p> <p>16 Q In your experience with the United States Marshals</p> <p>17 Services, have you ever known law enforcement officers to face</p> <p>18 retaliation by gang members, drug rings, career criminals?</p> <p>19 A I don't recall any specific incidents like that, but</p> <p>20 it certainly may have. It's something that certainly may have</p> <p>21 happened.</p> <p>22 Q And that type of retaliation could also apply to</p> <p>23 private citizens who attempt to self police?</p> <p>24 A I don't understand the question.</p> <p>25 Q Well, there is some evidence in the record that</p>	<p style="text-align: right;">Page 72</p> <p>1 A I would agree that law enforcement officers need to</p> <p>2 act appropriately and need to not -- did you say racially</p> <p>3 profile?</p> <p>4 Q Police brutality and profiling?</p> <p>5 A Right. I agree with you that officers need to take</p> <p>6 care to not racially profile and I agree that officers need to</p> <p>7 take care to not act with brutality.</p> <p>8 Q In your experience with the US Marshals Service, have</p> <p>9 you ever seen weapons fired during an altercation?</p> <p>10 A I have.</p> <p>11 Q Have you ever seen a drive-by shooting?</p> <p>12 A I have.</p> <p>13 Q Were you wearing a uniform at the time?</p> <p>14 A I was not.</p> <p>15 Q Were you acting in your capacity as a Marshal?</p> <p>16 A I was.</p> <p>17 Q And both of them still occurred despite your</p> <p>18 presence?</p> <p>19 A Well, I recall one that occurred in my presence where</p> <p>20 I was eating at a restaurant and it occurred outside the</p> <p>21 restaurant and I took action and my partner and I, along with</p> <p>22 the Chicago Police Department, apprehended those individuals</p> <p>23 who were involved. I don't remember a second one. But I</p> <p>24 was -- again, I was sitting inside a restaurant in plain</p> <p>25 clothes on duty eating lunch with my partner when it occurred.</p>
<p style="text-align: right;">Page 71</p> <p>1 Wingate employees were told that they had to be careful with</p> <p>2 how they encountered some of the criminal elements that were on</p> <p>3 the public sidewalks and streets because there was a fear that</p> <p>4 there could be retaliation against them depending on what they</p> <p>5 did. Do you recall that evidence?</p> <p>6 MR. BOUCHARD: Object to form.</p> <p>7 THE WITNESS: That they needed to fear retaliation</p> <p>8 from people on the sidewalks or streets near Bedford</p> <p>9 Pines?</p> <p>10 BY MR. CLAYTON</p> <p>11 Q No, that they needed to be conscious of the</p> <p>12 possibility of retaliation for their actions?</p> <p>13 A Yes.</p> <p>14 Q That's certainly a reasonable thing to at least</p> <p>15 consider?</p> <p>16 A Of course.</p> <p>17 Q Based on your experience, would you agree that law</p> <p>18 enforcement officers must take care in approaching individuals</p> <p>19 on the street to avoid accusations of police brutality and</p> <p>20 profiling?</p> <p>21 A Could you say that one more time, please?</p> <p>22 Q Based upon your experience, would you agree that law</p> <p>23 enforcement officers must take care in approaching individuals</p> <p>24 on the street to avoid accusations of police brutality and</p> <p>25 profiling?</p>	<p style="text-align: right;">Page 73</p> <p>1 Q Would you agree that criminal fugitives and</p> <p>2 terrorists sometimes demonstrate a disregard for human life?</p> <p>3 A I agree that criminals -- did you say criminals and</p> <p>4 terrorist?</p> <p>5 Q Fugitives, terrorists.</p> <p>6 A Criminals, fugitives, and terrorists display a</p> <p>7 disregard for human life at times. Was that your question,</p> <p>8 sir?</p> <p>9 Q Yes.</p> <p>10 A I would agree with that.</p> <p>11 Q Would you agree that gang members and drug dealers</p> <p>12 sometimes demonstrate a similar disregard for human life?</p> <p>13 A At times, yes.</p> <p>14 Q Would you agree that with the Georgia appellate</p> <p>15 courts that have plainly stated that violence is inherent in</p> <p>16 the business of dealing illegal drugs?</p> <p>17 MR. BOUCHARD: Object to form.</p> <p>18 BY MR. CLAYTON</p> <p>19 Q Let me ask it a different way. Would you agree that</p> <p>20 violence is inherent in the business of dealing illegal drugs?</p> <p>21 A I think you said it the exact same way the first</p> <p>22 time.</p> <p>23 Q I did not because I took out the word Georgia</p> <p>24 appellate court. So let me do it again. That was the basis of</p> <p>25 his objection. Would you agree that violence is inherent in</p>

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<p style="text-align: right;">Page 74</p> <p>1 the business of dealing illegal drugs?</p> <p>2 A I would agree that violence and the dealing of</p> <p>3 illegal drugs often go together, yes.</p> <p>4 Q Would you agree that your prior experience and</p> <p>5 training doesn't qualify you to run a 700-unit low-income</p> <p>6 multifamily scattered site property here in Atlanta?</p> <p>7 A Run the security for that or run the day-to-day</p> <p>8 management, property management activities?</p> <p>9 Q Day-to-day property management activities?</p> <p>10 A I would agree with that.</p> <p>11 Q Are you an expert in gangs here in Atlanta?</p> <p>12 A I am not.</p> <p>13 Q You understand that there are some people who are</p> <p>14 assigned to gang units in various police roles, correct?</p> <p>15 A Yes, we have them in the US Marshals Service.</p> <p>16 Q And those individuals specialize in trying to stop,</p> <p>17 apprehend gang members, gang violence, correct?</p> <p>18 A Yes.</p> <p>19 Q And you would agree that those people who specialize</p> <p>20 in it have more knowledge than the average -- even the average</p> <p>21 law enforcement officer about gangs?</p> <p>22 A I would agree with that, yes, they do.</p> <p>23 Q I'm going to ask you just a few questions about</p> <p>24 security in general. Would you agree that a business can --</p> <p>25 strike that.</p>	<p style="text-align: right;">Page 76</p> <p>1 improvements were made to the way the Secret Service operates</p> <p>2 as well as the US Marshals Service and other organizations</p> <p>3 responsible for security. So lessons were learned and</p> <p>4 additional steps were taken after incidents like that to -- to</p> <p>5 improve the security posture, the training, the readiness,</p> <p>6 operating procedures, technical security measures, those all</p> <p>7 improved after that shooting as well as other shootings. But</p> <p>8 to your point, that shooting alone does not mean that the -- I</p> <p>9 believe you said that the Secret Service is ineffective. That</p> <p>10 shooting does not -- it shows that they were ineffective in</p> <p>11 that incident and they learned lessons as a result of it and</p> <p>12 improved their readiness and their capabilities as a result of</p> <p>13 it.</p> <p>14 Q You would agree that gang on gang violence in Atlanta</p> <p>15 cannot be stopped by any one private business, correct?</p> <p>16 A I agree that a private business cannot stop gang on</p> <p>17 gang violence throughout Atlanta.</p> <p>18 Q That's -- that's the job of police and law</p> <p>19 enforcement to undertake those tasks, correct?</p> <p>20 A Well, I think it -- it depends. I think there are</p> <p>21 steps that a business can take to mitigate the risk of gang</p> <p>22 violence, and I think that communication and coordination with</p> <p>23 the police are part of that. But I -- if you're asking if the</p> <p>24 police are responsible for the safety and security at every</p> <p>25 business, I would say no. They play a role, certainly, but</p>
<p style="text-align: right;">Page 75</p> <p>1 Would you agree that what a business can spend on</p> <p>2 security is governed by how much money it collects?</p> <p>3 A What a business can spend on security is governed by</p> <p>4 how much a business collects? I wouldn't necessarily agree</p> <p>5 with that because, as a business owner myself, I know that</p> <p>6 there's -- you can take out loans when necessary and when you</p> <p>7 need extra spending capital for your business, so I wouldn't --</p> <p>8 I wouldn't necessarily agree with that statement.</p> <p>9 Q So in your opinion, could a -- could a business be</p> <p>10 required to operate at a loss to fund security?</p> <p>11 A What I would say is businesses who cannot provide</p> <p>12 security, by virtue of the fact that they don't bring in enough</p> <p>13 income, don't receive a free pass.</p> <p>14 Q You would agree with me that no amount of security</p> <p>15 can prevent every shooting or crime from occurring, correct?</p> <p>16 A Yes, I would agree that there are shootings that</p> <p>17 could occur despite security. Despite having reasonable</p> <p>18 security, it is possible that shootings can occur. However,</p> <p>19 having reasonable security reduces the likelihood of shootings</p> <p>20 from taking place.</p> <p>21 Q But you wouldn't say simply because Ronald Reagan got</p> <p>22 shot, that means that the Secret Service did not undertake</p> <p>23 reasonable security measures?</p> <p>24 A Well, what I would say is I would agree with you in</p> <p>25 part, but I would go on to say that, in light of that shooting,</p>	<p style="text-align: right;">Page 77</p> <p>1 businesses are responsible for providing a reasonable level of</p> <p>2 security.</p> <p>3 Q Have you ever heard of the term criminal trespass</p> <p>4 violations, criminal trespass warnings?</p> <p>5 A I have.</p> <p>6 Q Is that one way -- is that one effective tool in</p> <p>7 securing a property and providing reasonable security is to</p> <p>8 issue those?</p> <p>9 A It can be, yes. If done properly in coordination and</p> <p>10 in concert with the other measurements I have laid out, it --</p> <p>11 certainly issuing a quote trespass warnings can -- it can</p> <p>12 further enhance a reasonable security system, yes.</p> <p>13 Q And as a security professional, you would agree that</p> <p>14 anyone who receives a criminal trespass warning should not go</p> <p>15 back on the property where they received a criminal trespass</p> <p>16 warning, correct?</p> <p>17 A Well, I don't know enough about the law around</p> <p>18 criminal trespass warnings to know whether they're in affect</p> <p>19 for life or whether they're in affect for a period of time, but</p> <p>20 I agree that -- well, I -- let me rephrase that.</p> <p>21 I understand and agree that they can be an effective</p> <p>22 tool in managing risk.</p> <p>23 Q By just generally speaking, I'm not asking you to</p> <p>24 give me the law, if a person receives a criminal trespass</p> <p>25 warning, they should not go back on the property, correct?</p>

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<p style="text-align: right;">Page 78</p> <p>1 A Well, it would depend on how long the criminal 2 trespass warning is in affect. Like, what are the terms? What 3 are the conditions that are around it? Is it a lifetime ban? 4 It is a period of time? Is it they can only be there in 5 certain circumstances? I would need more to know what exactly 6 is -- what exactly the parameters of that criminal trespass 7 warning are. 8 Q If someone is arrested for criminal trespass, after 9 previously receiving a warning, you would agree that that 10 person should not go back up on the property without at least 11 the permission of the property owner, correct? 12 A If those are the terms of the criminal trespass 13 warning and if that's the law surrounding the trespass warning, 14 then -- then yes. I mean, laws should be followed. And if 15 that's the law around a criminal trespass warning, then it 16 should be followed. 17 Q And a private business has the right, if it follows 18 certain procedures, to tell people we do not want you on our 19 property, do not come on our property, here is a criminal 20 trespass warning and that should be respected, correct? 21 A The terms laid out in the criminal trespass warning 22 should be respected, yes. 23 Q Okay. Of the five plaintiffs here, how many had 24 been -- previously received criminal trespass warnings for this 25 particular property?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q Now, when were you first contacted by plaintiffs' 2 counsel in this case? 3 A I don't recall. It was last year. 4 Q It was like the end of last year or something like 5 that, right? 6 A Well, I was contacted twice. I was contacted by 7 another law firm about this case previous to that. 8 Q Was that Mr. Reynolds law firm? 9 A Isaac Tekie? 10 Q Yes, yeah. So you -- and then there was a lull and 11 then Mr. Bouchard retained you; is that right? 12 A Yes, sir. 13 Q Okay. I know you've given two depositions before. 14 How many other cases have you been retained in that you have 15 not given deposition testimony but that got far enough along to 16 where you prepared a report? 17 A Two, I believe. 18 Q So you've got the two that we have on your deposition 19 sheet, we have this one, and then you say there's two more 20 where you've been retained but no deposition has taken place; 21 is that right? 22 A Where I've prepared a report and turned a report over 23 to retaining counsel, two. And then there were other cases 24 where we're not at the stage where I have turned in a report. 25 Q Okay. So the two that you've done the deposition for</p>
<p style="text-align: right;">Page 79</p> <p>1 A I believe one. 2 Q Which one? 3 A I believe it was Kenneth Long. 4 Q So you agree with me that Kenneth Long should not 5 have been on the property that night after receiving a criminal 6 trespass warning? 7 MR. BOUCHARD: Object to form. 8 THE WITNESS: No. As I said, he should have -- no. 9 As I said, if those were the terms, I would need to see 10 the criminal trespass warning, I would need to understand 11 the law around the criminal trespass warning or criminal 12 trespass order to provide an opinion on that to provide 13 some analysis on that. That's not something I was asked 14 to do. 15 BY MR. CLAYTON 16 Q You sure it's only one or could it be more? 17 A As I sit here today, I recall one. 18 Q Okay. And was that person arrested for the criminal 19 trespass warning or just received it? 20 A I don't know. 21 Q Certainly you would agree with me that any of the 22 plaintiffs here who were arrested for a criminal trespass 23 warning should not have come back on the property without first 24 getting permission of Wingate? 25 A I don't know.</p>	<p style="text-align: right;">Page 81</p> <p>1 were for the plaintiffs, correct? 2 A That's correct. 3 Q This one is for the plaintiff? 4 A Yes. Yes, sir. 5 Q The two other that you have turned in reports to 6 defense counsel but you haven't been deposed, are you retained 7 and provided opinions on, are they for the plaintiff or the 8 defendants? 9 A To two that I've submitted reports but not been 10 deposed on yet are both plaintiff cases, and then there's 11 another case -- there are another two cases that I have not 12 submitted a reports on yet. One is a defense case and one is a 13 plaintiff case. 14 Q And are those all pending here in Georgia? 15 A No. One is in -- one is in Las Vegas, Nevada. 16 Q Okay. The other one is in Georgia? 17 A Yes. 18 Q Is -- do any of those cases have to do with security 19 at a multifamily property? 20 A Yes. 21 Q Which ones? 22 A So one of the ones I was deposed on, which is Clark v 23 West Haven, that case has since resolved. That case is 24 settled, so that involved a multifamily property. 25 Q Okay. Any others?</p>

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<p>1 A And then the case in Las Vegas is a multifamily 2 property. 3 Q Is that where you're retained on behalf of the 4 plaintiff? 5 A Plaintiff. Yeah, plaintiff side. I've submitted my 6 report. I have not yet been deposed. 7 Q Okay. 8 A And then I have another multifamily property here in 9 Georgia that I have not submitted a report on yet. 10 Q Where you are for the plaintiff or defendant? 11 A Plaintiff. 12 Q Okay. So of all the cases you have provided 13 litigation consulting for, all have been for the plaintiff 14 except for one for the defendant; is that right? 15 A For me, personally. So there are others I work with 16 in our firm that have done defense cases that I've assisted 17 with. But where I personally am the expert, it is just the one 18 defense case. 19 Q Tell me, just generally speaking, what that one 20 defense case is about. 21 A It's a shooting in a parking lot of a large retail 22 store. 23 Q And what are your general opinions? Again, I don't 24 need to get too far down, but just what are your general 25 opinions?</p>	<p>1 do you hold yourself out to be an expert? 2 A Okay. So these are the overarching areas. Security 3 risk management threat assessment, physical security, law 4 enforcement operations, use of force, media relations, and 5 crisis communications. So these are the areas that I have 6 listed, but again, these are overarching areas. They don't get 7 into the specific -- they don't get into the specific -- 8 they're not location specific. So in other words, they're just 9 general areas of expertise. 10 Q So if -- my question is: In what areas do you hold 11 yourself out to be an expert? 12 A They're are listed here. 13 Q Okay. So that is a good list of the areas that you 14 hold yourself out to be an expert? 15 A Generally speaking, yes. 16 Q Do you teach any classes right now in any setting? 17 A I do. 18 Q What classes? 19 A I -- I've taught classes on workplace violence 20 prevention. I've taught classes on premises liability, how to 21 safeguard your property. I've taught classes on behavioral 22 threat assessment. I've taught classes on active shooter 23 prevention. I've taught classes on active shooter response. 24 And I've taught many, many classes in various aspects of law 25 enforcement procedures, firearms, arrest procedures, use of</p>
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<p>1 A I have -- to be honest, I haven't even cracked the 2 case other than to look at two depositions -- no, no, that's 3 not true. That was in a multifamily case. The case where I am 4 on the defense side, I have not cracked at all. I was recently 5 retained on it and I've been working on other cases, so that 6 case I'll be starting here in a few weeks. 7 Q Fair enough. Because you haven't gotten into it, you 8 don't even know what your opinions ultimately would be? 9 A That's correct, sir. 10 Q Okay. So as of -- as we sit here today, you have 11 never reached a professional opinion in an expert witness 12 scenario that a defendant's security plan was reasonable? 13 A Correct. 14 Q Okay. Have you ever worked with Mr. Bouchard or 15 Mr. Tekie or Mr. Reynolds before? 16 A No. 17 Q The CV that we have for you, is it up-to-date? 18 A It is, yes. 19 Q I see here your areas of expertise. Is that -- the 20 bullet points here on your CV, is that the areas in which you 21 hold yourself out to be an expert. 22 A That's not an exhaustive list, that's just some of 23 the areas, yes. 24 Q Okay. Well, tell me the other areas that -- I was 25 trying to make it easy. But if you would then, in what areas</p>	<p>1 force. 2 Q Are you on the faculty anywhere right now where you 3 are in a paid teaching position where you regularly teach any 4 classes? 5 A I am not. 6 Q The classes that you mentioned a minute ago teaching, 7 is that really seminars, you give presentations at a seminar? 8 A Yes, currently. Currently, I'll give presentations 9 at a seminar or I'll give presentations for our local ASIS 10 chapter on various topics or -- yeah, that's all that comes to 11 mind at the moment. But during my time with the US Marshals 12 Service, I was what's called adjunct instructor for the federal 13 law enforcement training center, so I would teach classes at 14 the federal law enforcement training center here in Georgia and 15 I would teach classes for the federal law enforcement training 16 center around the country and overseas. 17 Q Did any of the classes that you taught, were any of 18 them specifically related to -- and I mean specifically -- 19 security for multifamily apartment communities? 20 A They were not. 21 Q Have you -- are you published in any peer-reviewed 22 journals? 23 A I am not. 24 Q Have you written any papers that have been submitted 25 to any peer-reviewed journals?</p>

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<p style="text-align: right;">Page 86</p> <p>1 A I have not.</p> <p>2 Q Have you written any papers that relate to the issues</p> <p>3 involved in this case?</p> <p>4 A We have a blog on our website and I have written</p> <p>5 articles or I've assisted or -- in the writing of or, you know,</p> <p>6 helped author articles about various aspects of security to</p> <p>7 include private security and travel risk management and things</p> <p>8 like that.</p> <p>9 Q Is that like an arm of your marketing department</p> <p>10 where you try to post things and give people general updates on</p> <p>11 things if they come to your website?</p> <p>12 A Yes, sir.</p> <p>13 Q Have you authored any treatises or books</p> <p>14 pertaining -- well, of any kind?</p> <p>15 A I have not.</p> <p>16 Q Now, it says you have a bachelor's degree from</p> <p>17 Illinois State University.</p> <p>18 A I do.</p> <p>19 Q Is that all of your formal education?</p> <p>20 A I took a master's level course when I was in South</p> <p>21 Dakota on -- in the, you know, public -- had to do with public</p> <p>22 administration. So that is the only other formal education</p> <p>23 that comes to mind.</p> <p>24 Q Your CV has certifications on it.</p> <p>25 A Yes, sir.</p>	<p style="text-align: right;">Page 88</p> <p>1 certification one can have in security management.</p> <p>2 Q Now -- and you said there's training after that. How</p> <p>3 much -- how many hours of training do you have to take a year?</p> <p>4 A I don't recall the exact requirement, but there is a</p> <p>5 certain number of hours that -- I believe it's -- yeah, I don't</p> <p>6 want to guess.</p> <p>7 Q That's fine.</p> <p>8 A There's a number of hours you have the complete of</p> <p>9 ongoing training every year to maintain that certification.</p> <p>10 Q Fair to say it's less than ten?</p> <p>11 A No, it's more than ten.</p> <p>12 Q Of actual classes for this particular certification?</p> <p>13 A To maintain it?</p> <p>14 Q Yes.</p> <p>15 A Per year?</p> <p>16 Q Yeah.</p> <p>17 A Oh, it's more than ten.</p> <p>18 Q Give me a rough ballpark?</p> <p>19 A I don't recall. I don't recall, but I believe it's</p> <p>20 more than ten.</p> <p>21 Q I don't want to get in there and you're like I take</p> <p>22 350 hours of training for --</p> <p>23 A It's far less than that.</p> <p>24 Q So less the 15? Twenty? I mean, again, it's --</p> <p>25 A Perhaps 20 to 30 hours of ongoing training to</p>
<p style="text-align: right;">Page 87</p> <p>1 Q Is this a complete list of your certifications that</p> <p>2 you hold?</p> <p>3 A Yes, sir.</p> <p>4 Q Certified protection professional/board certified in</p> <p>5 security management. What is the organization that provides</p> <p>6 that certification?</p> <p>7 A ASIS International.</p> <p>8 Q And what do you have to do to get that certification?</p> <p>9 A You have to submit an application. You have to meet</p> <p>10 certain qualifications which include years of experience,</p> <p>11 education -- there's a handful of different requirements that</p> <p>12 you have to meet. And if your application is approved, then</p> <p>13 you're allowed to sit for the test. And if you successfully</p> <p>14 complete the exam, then you receive the board certification</p> <p>15 security management.</p> <p>16 Q So you don't have to actually take any classes or</p> <p>17 anything for this particular certification?</p> <p>18 A You have to take classes to keep it current, but you</p> <p>19 don't have to take classes to qualify for it. You just have</p> <p>20 to -- it's basically you study the material on your own. So</p> <p>21 there's a body of knowledge that covers various aspects of</p> <p>22 security management and you have to study that body of</p> <p>23 knowledge. It's actually -- it's actually the entire body of</p> <p>24 knowledge that ASIS puts out that you're required to study and</p> <p>25 then you're tested on that. So it's the highest level</p>	<p style="text-align: right;">Page 89</p> <p>1 maintain that certification per year, perhaps.</p> <p>2 Q Force science certification?</p> <p>3 A Yes, sir.</p> <p>4 Q What is that? Who is that through?</p> <p>5 A The Force Science Academy. So they -- the Force</p> <p>6 Science Academy -- or sorry, Force Science Institute, they</p> <p>7 teach in the realm of use of force, so I believe I have some</p> <p>8 information in my report that talks specifically about what's</p> <p>9 involved with that. But it's -- yes, on Page 6 of my report, I</p> <p>10 have some specific language that details the question you're</p> <p>11 asking. I'm also a certified force science analyst having</p> <p>12 successfully completed the force science training and exam</p> <p>13 requirements involved in the -- involving the science behind</p> <p>14 human behavior and performance during force encounters. So</p> <p>15 it's all around law enforcement, civilian use of force. It</p> <p>16 could be lethal force or nonlethal force. So for that, there's</p> <p>17 a course that you have to complete and then there's an exam you</p> <p>18 have to take.</p> <p>19 Q Fair to say that the force science certification is</p> <p>20 not at issue with what we're dealing with in this case?</p> <p>21 A That is fair to say, yes.</p> <p>22 Q Okay. Fair to say -- the next one, law enforcement</p> <p>23 and civilian firearm instructor, also not involved with the</p> <p>24 issues in this case?</p> <p>25 A Not as such, no.</p>

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<p style="text-align: right;">Page 90</p> <p>1 Q Law enforcement and civilian active shooter response 2 instructor, also not involved in the issues in this case? 3 A Not as such, no. 4 Q Tactical training instructor, not involved in the 5 issues in this case? 6 A Not as such, no. What I would say is that my 7 training and certifications are certainly things that I bring 8 to every situation and every case that I'm involved in and 9 every client we consult with, so I would say that the 10 certifications, while they're not directly applicable, they do 11 inform my knowledge and my -- you know, assist me as I'm -- as 12 I'm providing analysis in addition to my training, my 13 experience, and the publications in the security industry. 14 Q So of the certifications, the first one is the one 15 that you believe would directly bear upon your qualifications 16 to provide testimony in this case? 17 A Yes, sir. 18 Q Next page, awards. I mean, there is some from when 19 you were in the United States Army, and it looks like when you 20 were in the United States Marshals Service, some performance 21 awards. Those awards though do not relate to the security 22 assessment, security consulting field that we're -- that's 23 specifically at issue in this case, correct? 24 A Well, yes and no. Part of -- as I mentioned, part of 25 my career in the US Marshals Service had to be specifically</p>	<p style="text-align: right;">Page 92</p> <p>1 A I am not a member of ANSI. 2 Q You are not a member of NFPA? 3 A Well, I'm a subscriber. I don't know that -- I'm a 4 subscriber of the NFPA. 5 Q But there's a difference between membership and being 6 a subscriber? 7 A I've never explored membership in either of those 8 organizations. 9 Q That's fine. I'm just making it clear you are not a 10 member of them. 11 A I am not. 12 Q You are not a member of the IAPSC, are you? 13 A Well, hopefully I will be soon. I filled out the 14 application paperwork. I qualified for membership with them 15 and I'm waiting for a response. 16 Q But as we sit here today, you are not? 17 A I am not. 18 Q Okay. Exhibit 8 is your report. 19 A Yes. 20 Q Now, did you draft this report yourself? 21 A I did. 22 Q Are there any changes, modifications, clarifications, 23 or updates that need to be made today as we sit here today. 24 The report was issued three weeks ago. That need -- that need 25 to be made as you sit here today?</p>
<p style="text-align: right;">Page 91</p> <p>1 with security risk management. And throughout my career with 2 the US Marshals Service, I was involved in various aspects of 3 security risk management. So -- so I would say that getting a 4 superior performance award from the United States Department of 5 Justice does have -- does have bearing. And my performance at 6 Illinois State University being in the National Criminal 7 Justice Honor Society had bearing. 8 Q Have you ever gotten any award from ASIS 9 International? 10 A I have not. 11 Q Have you ever gotten any award from -- well, I don't 12 know that the other two professional memberships, Association 13 of Threat Assessment Professionals is that -- does that related 14 specifically to your opinions in this case? 15 A Not as such, no. 16 Q Okay. Same thing with the Overseas Security 17 Assistance Counsel? 18 A Well, I feel like the -- the OSAC has some bearing 19 because the OSAC conference I do, the publications that OSAC 20 puts out are all around security overseas. Some of that -- 21 some of the information that OSAC puts out is directly 22 applicable. Although it's in an overseas context, it had to do 23 with people living overseas, working overseas, and some of the 24 principles are the same. 25 Q So you are not a member of ANSI?</p>	<p style="text-align: right;">Page 93</p> <p>1 A Yeah, I found three clerical errors in it. 2 Q Okay. Did you update them? 3 A I have not. 4 Q All right. Are -- 5 A I'm letting you know now. 6 Q Are any other then of any substance? 7 A No. 8 Q Okay. As we sit here right now, do you have any 9 intention of preparing any supplemental reports to what we have 10 as Exhibit 8? 11 A I'm happy to prepare a supplemental report. 12 Q That's not my question. As we sit here today, do you 13 have any intention of preparing any additional or supplemental 14 reports in this case? 15 A I have not been asked to. If I may, I would like to 16 take a lunch break here pretty shortly if -- 17 Q I was going to get there. I was going -- I'm doing 18 the questions leading up to your report and I was going to save 19 your report and actually talking about it after lunch if that's 20 okay. 21 A May I ask how long? 22 Q No more than like five minutes? 23 A Okay, fair. 24 Q Did anyone assist you in formulating the opinions 25 that you outline in your report?</p>

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<p style="text-align: right;">Page 94</p> <p>1 A No, sir.</p> <p>2 Q Did any of the 1099 people that you mentioned write</p> <p>3 any portions of your report?</p> <p>4 A They did not.</p> <p>5 Q Did you -- I know you have been provided with a</p> <p>6 number of depositions and discovery and things of that nature.</p> <p>7 Do you have any notes that you made about any of the documents</p> <p>8 that you reviewed in this case?</p> <p>9 A My notes are contained in the report, so my report</p> <p>10 becomes a living document. As I find things of interest, I put</p> <p>11 them in the report and then, you know, those evolve into the</p> <p>12 final product.</p> <p>13 Q But there are no annotations anywhere or</p> <p>14 highlighting, anything like that?</p> <p>15 A No, sir.</p> <p>16 Q The articles that you provided, have you annotated,</p> <p>17 highlighted, anything like that, taken notes on those as it</p> <p>18 pertains to your specific opinions and their applicability in</p> <p>19 this case?</p> <p>20 A Outside of the report, no.</p> <p>21 Q Is everything that you relied on in reaching your</p> <p>22 opinions outlined in your report?</p> <p>23 A In the end notes, yes.</p> <p>24 Q There is a list of documents and things that you --</p> <p>25 case specific things --</p>	<p style="text-align: right;">Page 96</p> <p>1 said earlier, apply, they are in there.</p> <p>2 Q But there is a lot of stuff in this report that has</p> <p>3 nothing to do with preventing a drive-by shooting, correct?</p> <p>4 A I disagree.</p> <p>5 Q So everything in this report is adjusted to the facts</p> <p>6 of the case and would have prevented a drive-by shooting had it</p> <p>7 been done?</p> <p>8 A Well, the opinions do and the basis for the opinions</p> <p>9 do. The opinions are related directly to the scope of my</p> <p>10 assignment.</p> <p>11 Q I understand that. I am more asking -- so you</p> <p>12 wouldn't have included anything in this report if it did not</p> <p>13 directly bear upon the drive-by shooting happen -- happening in</p> <p>14 June of 2020; is that right?</p> <p>15 A If we're talking about the opinions and the basis for</p> <p>16 the opinions, you would be correct. If we're talking about the</p> <p>17 other sections of the report, which are more broadly speaking</p> <p>18 to security in general, layered security, forensic criminology,</p> <p>19 the methodology around security, the different principles that</p> <p>20 apply to security management and physical security, those don't</p> <p>21 all directly apply to this incident. They apply more broadly.</p> <p>22 So when you say do they all apply to drive-by shootings, yes</p> <p>23 and no.</p> <p>24 Some of it does and some of it -- like, for example,</p> <p>25 access control systems, lighting, perimeters. You know, some</p>
<p style="text-align: right;">Page 95</p> <p>1 A Uh-huh.</p> <p>2 Q It's Pages 8 through 21.</p> <p>3 A Yes, sir.</p> <p>4 Q Is that a complete list of all of the documents and</p> <p>5 materials that are case specific that you reviewed?</p> <p>6 A Yes, sir.</p> <p>7 Q All right.</p> <p>8 MR. CLAYTON: I think now is a good time for lunch</p> <p>9 break?</p> <p>10 THE VIDEOGRAPHER: Off the video record at 12:25 p.m.</p> <p>11 (BREAK TAKEN)</p> <p>12 THE VIDEOGRAPHER: Back on the video record at</p> <p>13 1:16 p.m.</p> <p>14 BY MR. CLAYTON</p> <p>15 Q Mr. Ahmad, we are back after lunch and now I would</p> <p>16 like to go through your report, and it has been marked as</p> <p>17 Exhibit 8, correct?</p> <p>18 A Yes, sir.</p> <p>19 Q What percentage of your report is copy and pasted</p> <p>20 from other reports that you have prepared as an expert witness?</p> <p>21 A I couldn't say a percentage.</p> <p>22 Q A substantial amount?</p> <p>23 A Some. Some where I'm involved in cases that also</p> <p>24 deal with apartment buildings and lack of security at</p> <p>25 apartments. They're -- the standards, the guidelines, as I</p>	<p style="text-align: right;">Page 97</p> <p>1 of the things are directly applicable, you know, parking.</p> <p>2 There are things that are directly applicable and there are</p> <p>3 things that are more overarching security concepts and security</p> <p>4 standards and guidelines and information about the related.</p> <p>5 Q So I want to go page by page, so I'll direct you to</p> <p>6 the page and ask you questions about the report. Okay? So on</p> <p>7 Page 3, it says executive summary. Number one, it talks about</p> <p>8 a layered security plan. You agree with me that Wingate did,</p> <p>9 in fact, have a layered security plan in place in June of 2020?</p> <p>10 A They did not have a reasonable layered security plan</p> <p>11 as I say here. The documentation --</p> <p>12 Q Not my question. Not my question. My question is:</p> <p>13 Yes or no, did they have a layered security plan in place in</p> <p>14 June of 2020?</p> <p>15 A It's unclear.</p> <p>16 Q So you do not know, as we sit here today, if Wingate</p> <p>17 had a layered security plan in place in June of 2020? Is that</p> <p>18 your testimony?</p> <p>19 A No. My testimony, based on the record, based on the</p> <p>20 documents I've reviewed is that it's unclear and let me explain</p> <p>21 why, if you would. According to Plaza Security's own Mr. Tate</p> <p>22 -- let me back up.</p> <p>23 According to Wingate Management's senior vice</p> <p>24 president and chief development officer, Rod Tech, according</p> <p>25 to his testimony, he does not think he had ever seen a document</p>

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<p>1 that memorializes a security plan for the subject property.</p> <p>2 Now, I'm reading on Page 53. Tech also stated that he does</p> <p>3 not know if a document exists which sets forth the security</p> <p>4 plan for the subject property. According the Plaza CEO, Jim</p> <p>5 Tate, question: I've seen what I believe to be a security plan</p> <p>6 document that I think it was prepared by John Kiernan in the</p> <p>7 spring of 2019, uh-huh, for Bedford Pines. Are you familiar</p> <p>8 with the document? Security? I'm not familiar with any</p> <p>9 security plan. Question --</p> <p>10 Q I don't want you to read from your report. I'm</p> <p>11 asking you as an expert a very, very simple question. I don't</p> <p>12 need you to read from testimony. That's later in the report as</p> <p>13 I mentioned. I asked a very, very simple and direct question.</p> <p>14 I did not say written security plan. So if you interpreted me</p> <p>15 to say written security plan, let me disabuse you of that</p> <p>16 notion.</p> <p>17 So yes or no, as a security expert, as you hold</p> <p>18 yourself out to be, did Wingate have a layered security plan in</p> <p>19 June 2020?</p> <p>20 A According to the guidelines, the standards, the</p> <p>21 accepted practices in the security industry, they did not have</p> <p>22 a reasonable layered security plan for the subject property.</p> <p>23 Q Not my question. Here, let me help you out here</p> <p>24 because I want -- I don't want this to take forever. I will</p> <p>25 literally give you foreshadow my next question here because I</p>	<p>1 correct something you said. You asked me -- you asked two</p> <p>2 questions basically. You asked if security officers, generally</p> <p>3 speaking, are part of a layered security plan and I said yes.</p> <p>4 Earlier you said something different. Prior to asking that</p> <p>5 question, you said did Wingate have security officers. Now</p> <p>6 we're talking specifically about Wingate, not about security</p> <p>7 officers in general being part of a layered security plan. Did</p> <p>8 -- you're asking me did Wingate have security officers and the</p> <p>9 plan that Wingate had included cameras and security officers at</p> <p>10 Wingate, am I correct?</p> <p>11 Q You're testifying. If you haven't seen evidence in</p> <p>12 the record that Wingate had security cameras out there, tell</p> <p>13 me. Have you seen evidence in the record that Wingate had</p> <p>14 security cameras out there in June 2020?</p> <p>15 A Yes, they did.</p> <p>16 Q Have you seen evidence in the record -- in fact,</p> <p>17 isn't it undisputed that in June 2020 off-duty APD officers who</p> <p>18 were W-2 Wingate employees were patrolling Bedford Pines?</p> <p>19 MR. BOUCHARD: Object to form.</p> <p>20 THE WITNESS: Well, see --</p> <p>21 BY MR. CLAYTON</p> <p>22 Q No, I just asked in June 2020, were off-duty APD</p> <p>23 officers paid by Wingate patrolling Bedford Pines?</p> <p>24 MR. BOUCHARD: Object to form.</p> <p>25 THE WITNESS: So again, this is something -- this a</p>
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<p>1 think you are either overthinking it or you're just evading the</p> <p>2 questions in general, you're not giving me answers. My next</p> <p>3 question: You just don't think it was reasonable, do you? So</p> <p>4 do not read the word reasonable into my question. That's</p> <p>5 literally my next questions. So I'm going to ask the question</p> <p>6 and I want you to answer the question I ask. And if you need</p> <p>7 clarification, Mr. Clayton, does it have to be written or not,</p> <p>8 please, by all means, ask me that clarification.</p> <p>9 But my question is: You would agree that Wingate did</p> <p>10 have a layered security plan in June of 2020, correct?</p> <p>11 A It's unclear.</p> <p>12 Q So you, as you sit here today -- and I'll just ask</p> <p>13 you for a couple of things. Would security cameras go into a</p> <p>14 layered security plan?</p> <p>15 A They could.</p> <p>16 Q Would a security officer, such as off-duty APD, go</p> <p>17 into a layered security plan?</p> <p>18 A They should.</p> <p>19 Q Did Wingate have those two things -- well, let me ask</p> <p>20 this: Are those layers that go on top of each in a potential</p> <p>21 security plan?</p> <p>22 A They are.</p> <p>23 Q Okay. So we know at least two layers that Wingate</p> <p>24 had in June of 2020 at the property, correct?</p> <p>25 A I would classify them -- well, I would like to</p>	<p>1 different question now. Earlier you said security, now</p> <p>2 you're saying patrolling. And I draw that distinction in</p> <p>3 my report where the job description and the duties of the</p> <p>4 APD officers did not include security for the property.</p> <p>5 It specified be the eyes and ears. There's a difference</p> <p>6 between being a security officer and providing security</p> <p>7 for the residents on the property and being, quote, eyes</p> <p>8 and ears. And now you're using terminology patrolling, so</p> <p>9 I would need --</p> <p>10 Q Okay. Were they present? Were they present at the</p> <p>11 property?</p> <p>12 A I would like to finish answering the last question.</p> <p>13 Q Okay. Go ahead. You're not answering the question</p> <p>14 that I'm asking though. That's the issue.</p> <p>15 A Well, see the question keeps changing, sir, so I'm</p> <p>16 just trying to track what the question actually is. You know,</p> <p>17 it was security officers in general, then it was security</p> <p>18 officers at Bedford Pines, and then it's patrolling at Bedford</p> <p>19 Pines. I'm just trying to hone in on what exactly --</p> <p>20 Q Were there at least two layers of security at Bedford</p> <p>21 Pines in June 2020 of any kind, shape, or form?</p> <p>22 A They're were two layers of -- I hesitate to use the</p> <p>23 word security because, again, nowhere in their job description</p> <p>24 does it state that they were there to provide security and</p> <p>25 that's something I detail -- I go into great detail and at</p>

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<p>1 length about in my report and it's something that I find very</p> <p>2 curious is that -- that the people who you are now saying were</p> <p>3 there to provide security, it doesn't say in their job</p> <p>4 description nor do they themselves say that they were there as</p> <p>5 security officers. It says that they were there as law</p> <p>6 enforcement officers.</p> <p>7 Q I think you're misunderstanding. A camera doesn't</p> <p>8 have a job description. Does every single layer of a layered</p> <p>9 security plan, is 100 percent of those human beings?</p> <p>10 A No, sir.</p> <p>11 Q Do 100 percent of them have job descriptions? Does a</p> <p>12 camera have a job description? Does a -- I mean, we've already</p> <p>13 discussed that, it doesn't, right? So you're answering</p> <p>14 questions that I'm not asking.</p> <p>15 A Well, you're not allowing me to answer, sir.</p> <p>16 Q Were there two or more layers of a layered security</p> <p>17 plan at the subject property in June of 2020?</p> <p>18 A Well, I would like to go back to the question you</p> <p>19 just asked me a minute ago that you didn't let me answer.</p> <p>20 Q But you're not answering my question. It's very</p> <p>21 clear. Again, I told you you are trying to not answer the</p> <p>22 question that I'm asking. I was going to give you the</p> <p>23 opportunity, it's right here, to say our plan isn't reasonable.</p> <p>24 But you're saying that there isn't a layered security plan to</p> <p>25 begin with, and so I'm just trying to hone in on what is or is</p>	<p>1 layered security plan, whether written or unwritten. And I see</p> <p>2 nowhere where they adhere to the standards, guidelines, and</p> <p>3 accepted practices that I have laid out in my report and that</p> <p>4 are widely accepted in the security industry.</p> <p>5 Q So you're saying because it wasn't labeled a, quote,</p> <p>6 layered security plan, it doesn't -- you're going form over</p> <p>7 substance. So it could quack like a duck, walk like a duck,</p> <p>8 talk like a duck, but you just -- you're not going to call it a</p> <p>9 duck unless it's got the word ducks on it, right?</p> <p>10 A I don't know how to answer that question.</p> <p>11 Q It's all right. You didn't answer my question</p> <p>12 because I didn't bring up W-2 employees in my question. My</p> <p>13 question was very simple, it was yes or no. I believe you</p> <p>14 answered it no but I'll just make sure. In your opinion,</p> <p>15 Wingate did not have a layered security plan in place or any</p> <p>16 elements of it in June of 2020? Is that your opinion?</p> <p>17 A That's a different question.</p> <p>18 Q Okay. What elements of a layered security plan did</p> <p>19 Wingate have in place in practice in June of 2020?</p> <p>20 A They had elements that weren't being utilized</p> <p>21 properly to include video surveillance.</p> <p>22 Q Anything else?</p> <p>23 A Well, again, going back to our conversation earlier</p> <p>24 today, they were interfacing with the Atlanta Police Department</p> <p>25 and seemed like there were meetings that took place with the</p>
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<p>1 not a layered security plan because I have a list -- and we're</p> <p>2 going to go through it -- of many, many, many things that were</p> <p>3 spent out there. You know many, many, many things were spent</p> <p>4 out there.</p> <p>5 You may say that it's not reasonable, but at the</p> <p>6 beginning of this deposition I asked you what they did right</p> <p>7 and you named some things for me. The things your -- I'll just</p> <p>8 back up. The things you named at the beginning of this</p> <p>9 deposition that you said Wingate did right, were the part of a</p> <p>10 layered security plan?</p> <p>11 A No.</p> <p>12 Q They were not?</p> <p>13 A No.</p> <p>14 Q Okay. So I guess I'll just take a yes or no. Did</p> <p>15 Wingate have a layered security plan, of any kind, whether</p> <p>16 reasonable or unreasonable, in June of 2020?</p> <p>17 A I would not call the measures that they had in place</p> <p>18 a layer security plan and for the reasons I'd like to offer,</p> <p>19 which include you keep going back to the W-2 off-duty APD</p> <p>20 officers. And what I'm saying is nowhere in their job</p> <p>21 description does it specify they are there to provide security.</p> <p>22 So I can agree with you that they had -- they put measures in</p> <p>23 place, but I see nowhere in the evidence where they're</p> <p>24 classified as a layered security plan.</p> <p>25 I see nowhere in the evidence where they refer to a</p>	<p>1 Atlanta Police Department. At one time, they had -- were in</p> <p>2 regular communication with Lieutenant Little who goes into</p> <p>3 great details about all the problems there and all the security</p> <p>4 that was not in place that should have been in place. So the</p> <p>5 fact that they were in communication with him is a good thing,</p> <p>6 but the fact that they didn't implement the changes and the</p> <p>7 improvements and address the problems he brought to them is a</p> <p>8 problem.</p> <p>9 But I can't characterize -- I can't characterize it</p> <p>10 as a layered security plan. I can characterize it as they had</p> <p>11 certain elements that weren't being utilized properly, but I</p> <p>12 can't say that elements of a layered security plan were in</p> <p>13 place because those elements should be, number one, derived</p> <p>14 from the results of a vulnerability assessment conducted by a</p> <p>15 qualified security professional. The vulnerability assessment</p> <p>16 would inform the security plan, more specifically a reasonable</p> <p>17 layered security plan would flow from a vulnerability</p> <p>18 assessment.</p> <p>19 So a vulnerability assessment conducted by a capable</p> <p>20 security professional was not done. So for me to say that they</p> <p>21 had a -- that they had a layered security plan in place, I</p> <p>22 disagree with.</p> <p>23 Q Is Lieutenant Little, is he a qualified security</p> <p>24 professional as outlined in your report?</p> <p>25 A I don't know. I haven't looked into his background,</p>

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<p>1 but what I do know is --</p> <p>2 Q That's my question. That literally was my question.</p> <p>3 Is he a qualified security professional as outlined in the</p> <p>4 report. If you answer the question I ask instead of whatever</p> <p>5 else you want to say, Mr. Bouchard will have plenty of time to</p> <p>6 ask you anything you want to opine about. I would ask that you</p> <p>7 just answer the question that I ask, which is very simple, yes</p> <p>8 or no?</p> <p>9 A Based on the information I have, he is not a</p> <p>10 certified protection professional nor is he a physical security</p> <p>11 professional. Those are the two certifications I outline in my</p> <p>12 report that are well supported.</p> <p>13 Q Okay. So, again, I am here to ask questions as I see</p> <p>14 fit about your report and I'm going to go by pages and then, if</p> <p>15 he wants to ask you questions, he can. So when I say, in your</p> <p>16 report with the assistance of a qualified security professional</p> <p>17 to be what you've just characterized in your report as a</p> <p>18 qualified security professional, what certifications do you</p> <p>19 have to possess?</p> <p>20 A So on Page 28, I discuss this, and this is coming</p> <p>21 from the physical asset protection standard, which is published</p> <p>22 by ASIS International. That's gone through the ANSI, American</p> <p>23 National Standards Institute scrutiny. So that's the most</p> <p>24 rigorous level of review. And according to ASIS International,</p> <p>25 the organization should ensure the individuals assigned to</p>	<p>1 A IASPC.</p> <p>2 Q Is that a reputable organization?</p> <p>3 A It is.</p> <p>4 Q And you have not yet joined it, right?</p> <p>5 A I'm in the process of joining it.</p> <p>6 Q You want to join it?</p> <p>7 A I filled out the application.</p> <p>8 Q But is that organization full of people who are</p> <p>9 esteemed in the security industry?</p> <p>10 A It's full of people who work in the security</p> <p>11 industry. I know that from the application I filled out.</p> <p>12 Q What did that organization -- what was its stance on</p> <p>13 NFPA 730?</p> <p>14 A What is the IAPSC's official stance on the NFPA 730?</p> <p>15 Q What was it, yeah.</p> <p>16 A I don't know.</p> <p>17 Q So if that group put out an official statement that</p> <p>18 NFPA 730, they were not qualified to issue that, would that --</p> <p>19 would that carry any weight with you?</p> <p>20 A That the NFPA 730 is not qualified?</p> <p>21 Q That the NFPA 730 is not a reasonable or accurate</p> <p>22 statement of security professionals and that it should not have</p> <p>23 been adopted?</p> <p>24 A The entire document?</p> <p>25 Q Yeah, yes.</p>
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<p>1 manage the physical asset protection program are competent.</p> <p>2 Competency should be based on knowledge, education, training,</p> <p>3 and experience that is appropriate to the assigned role.</p> <p>4 Security professionals certified in the field of</p> <p>5 physical security, such as those holding certified protection</p> <p>6 professional and a physical security professional designations</p> <p>7 are considered to have the knowledge, training, and experience</p> <p>8 necessary for managing the physical asset protection program.</p> <p>9 This is supported by the NFPA. Now, we're talking about the</p> <p>10 NFPA 730, the guideline that is peer-reviewed, consensus based</p> <p>11 and widely accepted in the security industry. That goes on to</p> <p>12 say the SBA provider should provide evidence of its</p> <p>13 qualification, education, certification, or experience when a</p> <p>14 requested by the property owner or the owner's designated</p> <p>15 representative.</p> <p>16 The SBA providers personnel conducting the SBA should</p> <p>17 be certified by nationally recognized certification</p> <p>18 organization in security or crime prevention. So to conduct a</p> <p>19 security vulnerability assessment and to put a security plan</p> <p>20 together, one should hold these certifications to be compliant</p> <p>21 with the standards set forth by ASIS International.</p> <p>22 Q Did you say the NFPA is supported by the security</p> <p>23 organizations?</p> <p>24 A It is.</p> <p>25 Q Okay. AISPC, that's the one that --</p>	<p>1 A Okay. If they said the entire document is not -- I'm</p> <p>2 sorry, what were the words you used?</p> <p>3 Q That it shouldn't be adopted?</p> <p>4 A That it should not be adopted? I would disagree. I</p> <p>5 would disagree with them.</p> <p>6 Q So the organization that you are not yet a member of</p> <p>7 that you want to join, you would disagree about that?</p> <p>8 A I would.</p> <p>9 Q Okay. So ASIS, how long have you been in that</p> <p>10 organization?</p> <p>11 A How long have I been --</p> <p>12 Q In that organization?</p> <p>13 A I've been a member for two plus years.</p> <p>14 Q Okay. How long have you held the certifications that</p> <p>15 you saying are necessary to be a qualified security</p> <p>16 professional?</p> <p>17 A In the civilian private sector security realm?</p> <p>18 Q No, no, no. Oh, you got them before you -- did you</p> <p>19 get these certifications when you were with the Marshals</p> <p>20 Service?</p> <p>21 A I did not.</p> <p>22 Q Okay. So going back to what I just asked you and you</p> <p>23 just read for me what was required. How long have you,</p> <p>24 yourself, been a qualified security professional?</p> <p>25 A Since I took the test two years ago.</p>

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<p>1 Q So you have been a qualified security professional</p> <p>2 for two years?</p> <p>3 A In accordance with ASIS International, as recognized</p> <p>4 by the private security industry, yes.</p> <p>5 Q And so before that test, you were not a qualified</p> <p>6 security professional, correct?</p> <p>7 A As it relates to the private security industry, I was</p> <p>8 not.</p> <p>9 Q Okay. So it's only the taking of that test that made</p> <p>10 you into a qualified security professional?</p> <p>11 MR. BOUCHARD: Object to form.</p> <p>12 THE WITNESS: In accordance with the standards</p> <p>13 published by ASIS International that are recognized in the</p> <p>14 private security industry and that are upheld in the</p> <p>15 private security industry, that is correct.</p> <p>16 BY MR. CLAYTON</p> <p>17 Q Have you created the layered security plan that would</p> <p>18 be reasonable -- and passed mustard with you as reasonable for</p> <p>19 Bedford Pines in 2020?</p> <p>20 A I'm sorry?</p> <p>21 Q Have you created the layered security plan that you</p> <p>22 would say would be reasonable as it existed in June of 2020 for</p> <p>23 Bedford Pines?</p> <p>24 A That would require a different assessment. As I</p> <p>25 said, and as I have --</p>	<p>1 Q Okay. In June of 2020, when we're talking about --</p> <p>2 well, let me back up. You would agree with me that you don't</p> <p>3 just look at it in a snapshot? You look at security over time,</p> <p>4 some length of time, correct? It's not just a day, like 2018,</p> <p>5 2019, 2020? Whatever the period of time, it would -- you don't</p> <p>6 just look at like one moment in time for security purposes and</p> <p>7 what kind of security is out there, right?</p> <p>8 A I don't -- I don't fully understand your question.</p> <p>9 When you say look at one moment in time?</p> <p>10 Q Well, it's unfair to say, at 1:13 a.m., only this was</p> <p>11 happening? You look at a security plan and say -- you look at</p> <p>12 June -- crimes in 2018, 2019, 2020, what security was done,</p> <p>13 this and that, it all kind of goes together? It's not just one</p> <p>14 moment in time, you're looking at the bigger picture, I would</p> <p>15 say.</p> <p>16 A I agree you are looking at the bigger picture.</p> <p>17 Q Okay. So in 2018, were you have a qualified security</p> <p>18 professional?</p> <p>19 A According to the private security industries</p> <p>20 standards, guidelines, and accepted practices, I did not hold</p> <p>21 the CPP designation. I was a law enforcement officer working</p> <p>22 for the US Marshals Service in 2020.</p> <p>23 Q So just to be clear, you were not, according to the</p> <p>24 standards you cited, a qualified security professional who</p> <p>25 could create a layered security plan for the subject property</p>
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<p>1 Q It's a yes or no. It's really -- no, it's a yes or</p> <p>2 no. Have you done it? It's a yes or no. Let me ask it again</p> <p>3 because it's a yes or no question. Have you created a layered</p> <p>4 security plan for the subject property that you contend would</p> <p>5 be -- have been reasonable in June of 2020?</p> <p>6 A I have not.</p> <p>7 Q Okay. So you don't know what the cost would have</p> <p>8 been for a reasonable layered security plan for the subject</p> <p>9 property in June of 2020, do you?</p> <p>10 A That's -- what I would say, sir, is that that it work</p> <p>11 that our firm does.</p> <p>12 Q I understand that, but as sitting here today, you</p> <p>13 cannot tell me the cost of it?</p> <p>14 A I can give you -- tell you generally what they cost</p> <p>15 because that's work that our firm does.</p> <p>16 Q Well, you have the -- the security plan and then you</p> <p>17 have the implementation of what it would cost actually carry it</p> <p>18 out, right?</p> <p>19 A Well --</p> <p>20 Q So I'm talking about what the cost would be to carry</p> <p>21 out what you would deem to be a reasonable layered security</p> <p>22 plan for the subject property in June of 2020?</p> <p>23 A Okay, I understand your question.</p> <p>24 Q You don't know what that would cost?</p> <p>25 A I do not.</p>	<p>1 in 2018?</p> <p>2 A Correct.</p> <p>3 Q In 2019, were you a qualified security professional</p> <p>4 that was competent to create a layered security plan for the</p> <p>5 subject property?</p> <p>6 A According to the private security standards that are</p> <p>7 published by ASIS International, I was not. I was working as a</p> <p>8 law enforcement officer for the US Marshals Service responsible</p> <p>9 for the security at the United States courthouse which is a</p> <p>10 different -- holds different certifications. The US Department</p> <p>11 of Justice does not recognize the standards and the</p> <p>12 certifications in ASIS. Conversely, the standards and the</p> <p>13 certification and the qualifications I held by the United</p> <p>14 States Department of Justice, at the time period you're</p> <p>15 discussing, are not recognized by ASIS International. So for</p> <p>16 that reason, when I retired from the government, when I left</p> <p>17 the Department of Justice, I obtained the certification that is</p> <p>18 required in the private security industry.</p> <p>19 In the federal government it's different</p> <p>20 certifications and it's different qualifications. That said,</p> <p>21 the principles of security management are the same. But to be</p> <p>22 recognized by the private security industry is different from</p> <p>23 being recognized by the US Department of Justice and federal</p> <p>24 law enforcement.</p> <p>25 Q Not my question. And I'm not asking what the</p>

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<p style="text-align: right;">Page 114</p> <p>1 standard say because they're not here to testify today and 2 they're not going to actually ever testify in this case because 3 they're standards. I'm asking you. You just told me that you 4 would disagree with an organization you're actually trying to 5 join, so sometimes you may disagree with them. And so, if you 6 want to say -- no, that's fine. I will just ask a very simple 7 question. In executive summary Opinion Number 1, could you 8 have prepared such a plan -- were you competent to prepare such 9 a plan in 2020?</p> <p>10 A I didn't have -- as I've said already, I didn't hold 11 the CPP designation in 2020.</p> <p>12 Q So you were not competent, you personally, to prepare 13 the plan that you say should have been done in Opinion 1?</p> <p>14 A That's correct. And if someone had asked me to do 15 that, I would have said you need someone who is certified in 16 the private security industry by ASIS International. You don't 17 want a law enforcement officer to prepare that plan. You want 18 someone certified in the private security industry that can 19 prepare that plan.</p> <p>20 Q And you would have told that to the person because 21 regular people don't know about ASIS certification, correct?</p> <p>22 MR. BOUCHARD: Object to form.</p> <p>23 THE WITNESS: I can't say what regular people know or 24 don't know. There are a lot of people who know about ASIS 25 International but don't necessarily work in the security</p>	<p style="text-align: right;">Page 116</p> <p>1 Q Exactly. I'm asking you -- look, as we go along 2 here, I'm going to ask you about very discrete parts here. I 3 want to know what you mean by "a dangerous condition". That's 4 all. What do you mean by "a dangerous condition"? What is the 5 condition that you say was allowed to persist exactly?</p> <p>6 A Well, it's several things. Number 1, it's Appendix 7 C, all the shootings that took place at or near the subject 8 property.</p> <p>9 Q So you're saying that --</p> <p>10 MR. BOUCHARD: Wait, he's in the middle of his 11 answer. He said it was several things, he gave you one 12 thing and you're asking him another question.</p> <p>13 THE WITNESS: Okay. I'm also looking at the 14 deposition testimony by several people involved in this 15 case, which includes Ms. Cynthia Bianco, who is the senior 16 VP and was the corporate representative for Wingate 17 management. When she was asked do you agree that the 600 18 Parkway block has a long history of crime? Yeah, I'm not 19 sure what you mean by long history, but it had a history 20 of violent crime that extended over the course of multiple 21 years, yes. It has a history of gun violence that 22 extended the course of multiple years, yes.</p> <p>23 It had a history of shootings that extended the 24 course of multiple years, yes. It has a history of 25 drive-by shootings that extended over the course of</p>
<p style="text-align: right;">Page 115</p> <p>1 profession. But it would be incumbent on the security 2 professional to educate the requesting party in the sense 3 that, hey, what you're -- what you're asking me to do 4 requires a certification I do not hold.</p> <p>5 BY MR. CLAYTON</p> <p>6 Q In the -- towards the end of Opinion 1 here, the 7 summary of it, you say allowed a dangerous condition to 8 persist. Do you see that?</p> <p>9 A I do.</p> <p>10 Q What was the dangerous condition that you're 11 referring to?</p> <p>12 A I'm referring to the amount of violent crime that was 13 taking place at the subject property, which I've outlined 14 various places in this report to include Appendix X where I go 15 into detail about the shootings that took place based on the 16 information that I had from April of 2018 to June of 2020.</p> <p>17 Q By that's not at the property. Appendix C is at or 18 near the property?</p> <p>19 A That's correct.</p> <p>20 Q What you say here is to persist -- are you saying the 21 dangerous condition is things that Wingate had no control over?</p> <p>22 A No. What I say, sir, is the failure to develop and 23 implement a reasonable layered security plan for the subject 24 property allowed a dangerous condition to persist and was a 25 substantial factor in the incident. That's what I said.</p>	<p style="text-align: right;">Page 117</p> <p>1 multiple years, yes. I'm also talking about the testimony 2 of Lieutenant Little who I mentioned earlier who worked 3 there on or around the subject property for more than 20 4 years and led security efforts there for ten years. You 5 know, he says a lot about the subject property. He says 6 -- he speaks a lot to the dangerous condition that existed 7 there.</p> <p>8 But you're talking about -- and this I quote -- but 9 you're talking about a different time when drugs were 10 prevalent all throughout the city. But what happened with 11 Bedford Pines is, as drug infested areas started being 12 eliminated, Bedford Pines was always there. You know, 13 there were historic places where people sold drugs and 14 committed shootings, but those were getting eliminated, 15 being gentrified. But Bedford Pines was still a constant. 16 In fact, the area of Parkway between North and Ponce de 17 Leon is pretty much a drug hellhole, where if you wanted 18 to buy drugs, you always knew you could go there and buy a 19 drug.</p> <p>20 He goes on to say Bedford Pines was the biggest 21 cancer in the entire area. In fact, if you look at its 22 geographic location, close to Piedmont Park, Ponce, Ponce 23 City Market, that whole area right there is prime real 24 estate. But right in the middle of all that area, you've 25 got the worst drug location in the city that they refuse</p>

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<p>1 to do anything about. It's for years documented one of</p> <p>2 the worst places in the entire City of Atlanta, and they</p> <p>3 were told repeatedly, you know, shootings, the drug</p> <p>4 dealing, it was off the chain. It was just -- and we were</p> <p>5 just -- had our finger in the (indiscernible) just barely</p> <p>6 keeping chaos, you know, in order.</p> <p>7 Former property manager Amy Thomas speaks at length</p> <p>8 about the violence there. The former -- according to the</p> <p>9 deposition testimony of property manager Alana Robinson,</p> <p>10 the north block was a primary problem area due to drug</p> <p>11 activity and gun violence. Robinson also testified that</p> <p>12 she, at times felt unsafe at the subject property and had</p> <p>13 concerns that she might get shot working there. Robinson</p> <p>14 also testified you would agree, Ms. Robinson, that by June</p> <p>15 2020, you understood there was a risk of drive-by</p> <p>16 shootings on the 600 block of Parkway? Yes, because they</p> <p>17 happened before, yes.</p> <p>18 Ms. Bianco also testified, I'm asking whether Wingate</p> <p>19 could reasonably anticipate a drive-by shooting on Bedford</p> <p>20 Pines property as of June 30, 2020 because of the long</p> <p>21 history of drive-by shootings on or around Bedford Pines</p> <p>22 property? Answer: I would say we could foresee a risk --</p> <p>23 or sorry, I would say that we could foresee a possible</p> <p>24 risk of a drive-by shooting, not necessarily a June 30th.</p> <p>25 So when I talk about a dangerous condition, sir, you know,</p>	<p>1 multitude of things. It was everything I'm speaking of. It</p> <p>2 was the shootings, the violence. There's woman -- there's --</p> <p>3 there is a reporting of a woman who was killed and bleach was</p> <p>4 poured on her.</p> <p>5 I mean, there's -- it's the -- it's the totality of</p> <p>6 all these things. So when I talk about dangerous condition,</p> <p>7 I'm talking about the totality of the circumstances that was</p> <p>8 happening at this property and I detail the violence, the</p> <p>9 shootings and I -- so again, that's what I'm referring to, sir.</p> <p>10 Q But you're not answering my question. So in Exhibit</p> <p>11 -- in Appendix C, you list, for instance, a shooting at a Citgo</p> <p>12 gas station, which I think we all agree Wingate doesn't own.</p> <p>13 So you're telling me that Wingate's failure to get a layered</p> <p>14 security plan resulted in a dangerous condition of a person</p> <p>15 getting shot at the Citgo gas station?</p> <p>16 A Well, sir, you're mischaracterizing what I'm saying.</p> <p>17 Q Well, is getting shot at the Citgo gas station a</p> <p>18 dangerous condition on the premises? That's a yes or no.</p> <p>19 A When you have --</p> <p>20 Q That's a yes or not. You can say yes or no and then</p> <p>21 you can answer, that's the way it works.</p> <p>22 A It's not a yes or no answer, sir. It's not a yes or</p> <p>23 no answer. What I'm saying is, when you have a crime, violent</p> <p>24 crime in close proximity to the property, it's reasonable to</p> <p>25 put security measures in place any to put -- to have a</p>
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<p>1 I could go on. There's --</p> <p>2 BY MR. CLAYTON</p> <p>3 Q Well, you're not answering my question so I don't</p> <p>4 want you to go on. I'm asking for -- you've talked about</p> <p>5 stuff that -- you're reading other people's testimony. I don't</p> <p>6 need you to read other people's testimony. I need you to</p> <p>7 answer my question. My question -- you're reading stuff about</p> <p>8 off property, down the street, other places like that. You</p> <p>9 used the words a dangerous condition to persist in your report.</p> <p>10 For instance, let me help you out. In the parking deck, if</p> <p>11 there's a hole, that is a dangerous condition. If you are</p> <p>12 saying that drive-by shootings to persist in the city's street</p> <p>13 is the dangerous condition that you're talking about, please</p> <p>14 tell me.</p> <p>15 But going back to the it, I am entitled to know --</p> <p>16 not you reading other people's testimony, that's not it.</p> <p>17 You're not answering my question, direct question. What is --</p> <p>18 is it -- I don't know if it's a or multiple, but it says a, so</p> <p>19 it's a singular. What is a dangerous condition that you say</p> <p>20 was allowed to persist at the property in June of 2020?</p> <p>21 A So I'm referring to the totality of the</p> <p>22 circumstances, sir. So a dangerous condition is all of these</p> <p>23 things. A dangerous condition incorporates all of the things I</p> <p>24 mentioned. And, sir, your question was -- you asked me what</p> <p>25 that dangerous condition was, and I'm telling you it was a</p>	<p>1 vulnerability assessment. You know, when we do vulnerability</p> <p>2 assessment for clients, we're not just looking at crime at the</p> <p>3 subject property that the -- that the facility may or may not</p> <p>4 be able to control. We're looking at crime in the area. When</p> <p>5 we talk about a dangerous condition or the totality of the</p> <p>6 circumstances, we're looking at things that are in proximity to</p> <p>7 the location that we're trying to safeguard or secure, you</p> <p>8 know, provide recommendations on, security measures.</p> <p>9 So -- and you know, this is -- the methodology I use</p> <p>10 is supported by the IAPSC, which -- which talks about looking</p> <p>11 -- looking at the site --</p> <p>12 Q But I'm not talking about -- we're only talking about</p> <p>13 a dangerous condition. Again, you're going above and beyond,</p> <p>14 okay. If you want to site to the IASPC definition of a</p> <p>15 dangerous condition, by all means, please do. We're going to</p> <p>16 get to your methodology, but we're not there yet. I'm asking</p> <p>17 you to define words for me so I can get to -- get to where</p> <p>18 we're going. I'm not talking about your opinion. I'm really</p> <p>19 not. I'm trying to ask what that means so I can understand --</p> <p>20 because it's your words. That's not the ASIS words, is it?</p> <p>21 Does ASIS define a dangerous condition? Are you</p> <p>22 using it in a way that's been defined by them that I can go</p> <p>23 look it up in a peer --</p> <p>24 A I don't -- I don't know that I am. I don't know.</p> <p>25 Q Okay. So the only person I can ask about who meant</p>

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<p>1 -- what you mean by your words, as written, I'm just asking 2 right here: Can you tell me what the dangerous condition is in 3 six words or less that was allowed to persist out there at the 4 property? 5 MR. BOUCHARD: Object to form. 6 THE WITNESS: My answer can't be -- I can't give you 7 an answer in six words or less. I just answered the 8 question in detail about all the different things I look 9 at when I made the assessment and when I'm looking at -- 10 BY MR. CLAYTON 11 Q Well, I think your answer is no. You've already 12 answered my question: Can you do it in six words or less and 13 the answer is no. 14 A But -- 15 Q Would you say that drug dealers in or around the 16 property is a dangerous condition? 17 A Well, you're not allowing me to answer your question, 18 sir. 19 Q My question was can you do it in six words or less, 20 and your answer was no. So that's the end of the question. 21 You answer the question I ask, not the question that you want 22 to do. And again, I asked you can you do it and you said no. 23 That's fine with me. I'm moving on. 24 Would drug dealers in or around the property be a 25 dangerous condition?</p>	<p>1 Q Certainly that would be a reasonable thing to do? 2 A To put no loitering signs on the property? Yes, that 3 would be a reasonable step. 4 Q And people who are there should respect -- read and 5 respect the signage that a property owner put out about 6 anti-loitering, correct? 7 A Signage should be respected. 8 Q And so on that night, just assume for me that the 9 plaintiffs, one or more of them was a member of a criminal 10 street gang and one or more of them were drug dealers and one 11 or more of them disregarded the anti-loitering sign, you would 12 agree with me that, on the night of this shooting, one or more 13 of them would have been a dangerous condition on the property? 14 MR. BOUCHARD: Object to form. 15 THE WITNESS: Well I'm unclear who we're talking here 16 right here. 17 BY MR. CLAYTON 18 Q The plaintiffs. 19 A So you're asking me to make assumptions about the 20 plaintiffs that aren't supported in the documentation I've 21 reviewed? 22 Q Because you haven't been given the documentation that 23 supports it, but that's why I asked you to assume it. If I'm 24 wrong, if the documentation does not support that, then the 25 question that I asked would no longer be valid. But assuming</p>
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<p>1 A Well, it would depend. If you have drug dealers that 2 are allowed to operate in and around the subject property, it 3 certainly would. 4 Q But if drug dealers have been criminally trespassed 5 and thrown off the property but drug dealers came back on the 6 property, that would be a dangerous condition? 7 A Well, that in addition to several other things. I 8 would agree that that would contribute to a dangerous 9 condition, yes. 10 Q Members of criminal street gangs being on or around a 11 property, that would be a dangerous condition, correct? 12 A It would contribute. Again, sir, you're asking me to 13 give you one factor and what I'm saying to you is a dangerous 14 condition -- I'm talking about the totality of the 15 circumstances. So would the events you're proposing or the -- 16 the suggestions you're making, are they elements? Are they 17 contributing factors to the totality of the circumstances? 18 Yes. 19 Q So would loiterers be a dangerous condition? 20 A If they are not addressed in a reasonable manner and 21 they are allowed to stay on property unsupervised and without 22 being confronted, yes. 23 Q There were signs out, no loitering signs out, at the 24 property on the night of this incident, were there not? 25 A I don't recall.</p>	<p>1 that one of more of the plaintiffs is a drug dealer, assuming 2 that one or more of the plaintiffs are members of criminal 3 street gangs, and assuming that one or more of the plaintiffs 4 disregarded the anti-loitering signs, you would agree with me 5 that, on the night of the shooting, they were a dangerous on 6 the property? 7 MR. BOUCHARD: Object to form. 8 THE WITNESS: I'm not comfortable making assumptions 9 that aren't supported by the information I'm provided. 10 What I would say generally is that criminal activity 11 should be addressed. And what I would go on to say is, if 12 criminal activity was taking place, as you're asking me to 13 assume, then it should be addressed in a reasonable manner 14 by security -- a layered security system or physical asset 15 protection system at the property. So I would ask you, 16 sir, if what you're asking me to assume is true, why 17 weren't they confronted? 18 Why weren't they asked to leave? Why -- why weren't 19 -- why weren't the police called and they were forcibly 20 removed from the property or rearrested if what you're 21 asking me to assume is true? 22 BY MR. CLAYTON 23 Q And again, you're answering a different question or 24 saying you don't have information. My question is very simple. 25 If you assume that one or more of them were drug dealers and</p>

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<p style="text-align: right;">Page 126</p> <p>1 assume that one or more of them are members of criminal street 2 gangs and assume that one or more of them ignored a criminal -- 3 an anti-loitering sign, would they be a dangerous condition on 4 the property in the night in question? 5 MR. BOUCHARD: Object to form. 6 THE WITNESS: Those facts are different than the 7 information I've reviewed. But if we're talking about a 8 hypothetical where all of the things you say are true, 9 then these are things that should have been addressed and 10 they -- well, number one, they should have been addressed 11 by reasonable security measures, hence the creation of a 12 reasonable layered security plan. So I would question why 13 they weren't addressed as such if the information you're 14 asking me to -- in this hypothetical to speak to. But, 15 you know, the facts you are giving me are different from 16 the facts that I've seen in this case. 17 BY MR. CLAYTON 18 Q And the reason that you would think it would be 19 addressed is because they are, in fact, a dangerous condition, 20 assuming what I said is true? 21 A Again, the facts that you're giving me are different 22 from what I've reviewed. The facts that I've reviewed don't 23 support what you're saying. But in the hypothetical situation, 24 if you're asking me to address a hypothetical where we have, 25 you know, in general there are drug dealers, there are people</p>	<p style="text-align: right;">Page 128</p> <p>1 clearcut answer. One of the reasons being is, I mean, that the 2 reason they were there, you know, doesn't provide an excuse for 3 them to be shot or, you know -- that's not -- number one, 4 that's not what I was asked to offer an opinion on is again the 5 reason they were there, but that doesn't excuse, you know, 6 under the assumptions that you're asking me in this 7 hypothetical, does that provide some sort of excuse or loophole 8 to where none of this is valid, these security measures aren't 9 needed? No, I disagree with it. 10 Q Well, it's not about whether security measures are 11 needed because that's backwards. But to the extent you're 12 talking about, factors in this incidents, you were talking 13 about factors in this shooting, right? And if you don't have 14 all of the information, publicly available information and 15 information available in this case about what happened in this 16 shooting and what led up to it and the reasons for it and the 17 rival gang member that was shot the day before that led to this 18 and the criminal street gang activity of these plaintiffs, 19 wouldn't all that be relevant in this incident and why this 20 shooting happened? 21 A Not necessarily, no. 22 Q Well, not necessarily, no, but that means that it 23 could be, right? 24 A Well again, as I've said many times now, of course, 25 if there is information that's arguably relevant, I'd want to</p>
<p style="text-align: right;">Page 127</p> <p>1 who shouldn't be there, there are people who are loitering, 2 those aren't -- that's not consistent with the information I 3 have. That's not consistent with the information I have been 4 given. 5 And I would ask, again, is it reasonable for them to 6 be confronted by security and/or law enforcement and questioned 7 and challenged as to the legitimacy of them being there? Yes. 8 But again, sir, I was not asked to do an analysis of why they 9 were there. The information I've seen is that they were there 10 for some time getting food from a food truck and that they were 11 guests, as I recall, or invited guests. But I don't -- again, 12 this is -- this is the information I've been provided and what 13 you're asking me to provide a conclusion on is outside the 14 scope. I've been asked to look at the security measures that 15 were in place and -- 16 Q So you're -- but then you go on to say substantial 17 factor in the incident. When you say "the incident", are you 18 talking about this shooting? 19 A I am. 20 Q So it sounds to me, assuming there a facts out there 21 about gang membership, about drug dealing, about -- indictments 22 about criminal street gangs for these people and during this 23 time period, you would be missing critical facts related to 24 this incident, correct? 25 A Well, yes and no. I think that it's -- that's not a</p>	<p style="text-align: right;">Page 129</p> <p>1 see it. But at the same time, all of the circumstances 2 surrounding the shooting, that is not relevant to the security 3 measures because crime takes place for lots of different 4 reasons and there are lots of different motivations. Offenders 5 are motivated for different things. But at the same time, it's 6 my job and has been my job for the better part of three decades 7 to make sure that reasonable security measures are in place to 8 safeguard people, property, assets, information, and that's -- 9 that's regardless of the motivations of the offender. It could 10 be lots of reasons why this happened. 11 Q And I understand that could saying be -- you haven't 12 been given the facts, and you know, that's fine. How many -- 13 is it relevant at all that Sims and Long were shot in drive-by 14 shootings in or around the same area before? 15 MR. BOUCHARD: Object to form. 16 THE WITNESS: Well, if they were shot at Bedford 17 Pines before in or around -- if you're saying in or around 18 the same area and we're talking about Bedford Pines, yeah, 19 I would say that and all these other shootings are 20 absolutely relevant and further speak to the need for 21 reasonable layered security at the subject property. 22 BY MR. CLAYTON 23 Q Well, no Long was shot -- do you know where Long was 24 shot? 25 A In a different incident or are we talking about this</p>

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<p style="text-align: right;">Page 130</p> <p>1 incident.</p> <p>2 Q Yeah, different incident?</p> <p>3 A I do not.</p> <p>4 Q Do you know where Marcus Sims was shot in a different</p> <p>5 incident?</p> <p>6 A I do not.</p> <p>7 Q In Opinion 1, developed and implemented a reasonable</p> <p>8 layered security plan with the assistance of a qualified</p> <p>9 security professional. Do you know of the names of any similar</p> <p>10 low-income, multifamily properties in the area that have done</p> <p>11 such a plan?</p> <p>12 A That have -- I'm sorry?</p> <p>13 Q Done such a plan?</p> <p>14 A That have done such a plan?</p> <p>15 Q Yes.</p> <p>16 A I do not.</p> <p>17 Q Do you know any multifamily properties at all in the</p> <p>18 area that have done such a plan?</p> <p>19 A I do not. Again, as I said earlier, that's research</p> <p>20 I haven't been -- I haven't done. I haven't been asked to do,</p> <p>21 don't intend to do.</p> <p>22 Q Opinion 2 says that the subject property should have</p> <p>23 deployed armed security personnel in a reasonable manner to</p> <p>24 guard the subject property, including the north block. That's</p> <p>25 the first sentence of the opinion, correct? It's Number 2 on</p>	<p style="text-align: right;">Page 132</p> <p>1 A At various points in time, yes.</p> <p>2 Q All right. Were the -- and again, here is the thing,</p> <p>3 this is not a trick question. You could say we didn't have</p> <p>4 enough, but that's not my question. Okay? My question here</p> <p>5 is: Are off-duty armed APD officers, armed security personnel</p> <p>6 to guard the subject property, do they qualify as that?</p> <p>7 A Generally speaking or in this instance?</p> <p>8 Q No, in this instance?</p> <p>9 A No, because they weren't asked to provide a security</p> <p>10 function.</p> <p>11 Q Do you -- so you're saying that they did not provide</p> <p>12 any security function when they were out there in 2018, 2019,</p> <p>13 2020 on the property? Is that your testimony?</p> <p>14 A Well, sir, I am relying on the testimony of the</p> <p>15 officers themselves, one of them being Roland Claude, who said,</p> <p>16 himself, during his deposition, yes, not -- but I -- I'm not</p> <p>17 offended, but let me see how can I say, we're not security</p> <p>18 guards. So what we did, we patrolled like as police officers.</p> <p>19 So what I would say is, yeah, they were hired. They were</p> <p>20 getting four hours extra police coverage. So there's a</p> <p>21 distinction -- there's an important distinction between</p> <p>22 security officers and police officers and -- so to your</p> <p>23 question was there a police presence when the W-2 off-duty APD</p> <p>24 officers were there fulfilling their role as being eyes and</p> <p>25 ears? Yes.</p>
<p style="text-align: right;">Page 131</p> <p>1 Page 3. We're still on Page 3.</p> <p>2 A Page 3, Opinion 2, the subject property should have</p> <p>3 deployed armed security personnel in a reasonable manner to</p> <p>4 guard the subject property, including the 600 north block of</p> <p>5 Parkway Drive.</p> <p>6 Q You just read from the report, so what I just said</p> <p>7 was accurate, correct?</p> <p>8 A No, not exactly.</p> <p>9 Q So what was inaccurate about what I said?</p> <p>10 A You didn't say from the -- you said from the north</p> <p>11 block. You didn't say the 600 north block of Parkway Drive.</p> <p>12 Q Okay. So Wingate did, in fact, deploy armed APD</p> <p>13 officers in and around the subject property, correct?</p> <p>14 A Not in a reasonable manner, they did not.</p> <p>15 Q That wasn't my question.</p> <p>16 A Okay.</p> <p>17 Q We'll get there. You can -- you'll have time to say</p> <p>18 that you don't like what we did. But the first thing you have</p> <p>19 to acknowledge is what we did do, and then you can criticize it</p> <p>20 all you want. Okay? But we're in agreement -- because if</p> <p>21 we're not in agreement that Wingate paid and had off-duty</p> <p>22 officers out there, then we're going to have to have a</p> <p>23 different discussion. So you would agree with me that the</p> <p>24 subject property did have armed APD officers out there on the</p> <p>25 subject property in 2020, correct?</p>	<p style="text-align: right;">Page 133</p> <p>1 Were they there providing security for the subject</p> <p>2 property? No. They weren't asked to provide security and they</p> <p>3 themselves state we're not there as security officers.</p> <p>4 Q Because they said in their depositions APD was the</p> <p>5 best choice, off-duty APD was the best choice to provide</p> <p>6 security of the property, correct? To help reduce crime at the</p> <p>7 property, they were all unequivocal that off-duty APD was the</p> <p>8 best number one choice at this property to reduce crime,</p> <p>9 correct?</p> <p>10 A According to whom, sir?</p> <p>11 Q All of the officers?</p> <p>12 MR. BOUCHARD: Object to form.</p> <p>13 BY MR. CLAYTON</p> <p>14 Q The officers who testified in this case, they said</p> <p>15 that in their depositions, you would agree with that?</p> <p>16 MR. BOUCHARD: Object to form.</p> <p>17 THE WITNESS: I don't -- I don't know that there's</p> <p>18 testimony that they all agreed to that. What I do know is</p> <p>19 there's testimony that says that they should have been</p> <p>20 augmented.</p> <p>21 BY MR. CLAYTON</p> <p>22 Q I'm only asking you what they testified. If you say</p> <p>23 you don't recall, you can say you don't recall. I'm only</p> <p>24 asking: Did they all testify that off-duty APD was the best</p> <p>25 way to deter crime out there?</p>

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<p>1 A I don't recall that testimony.</p> <p>2 Q Okay. You said Mr. Claude was offended. Do you know</p> <p>3 why he was offended? Do you recall the rest of his testimony</p> <p>4 about that? Because I believe it was because they view APD and</p> <p>5 off-duty APD as being far, far security to a security person.</p> <p>6 Is that your understanding?</p> <p>7 A That they view themselves as superior?</p> <p>8 Q Yes.</p> <p>9 A Well, I don't know how they view themselves, but what</p> <p>10 I do know is there's lots of testimony -- and I talk about this</p> <p>11 in my report on Page 59. Off-duty Atlanta Police Department</p> <p>12 officers were deployed as W-2 employees by the subject</p> <p>13 property. However, the security operations relied on the</p> <p>14 individual officer's availability, not the needs of the subject</p> <p>15 property. Concerns about the off-duty officers complacency,</p> <p>16 lack of engagement, lack of effectiveness, a lack of integrity,</p> <p>17 lack of availability, not being in uniform, and being paid for</p> <p>18 hours they weren't actually working were also documented</p> <p>19 repeatedly.</p> <p>20 That's throughout the testimony, and that's not just</p> <p>21 coming from the APD officers, that's coming from Ms. Bianco,</p> <p>22 that's coming from Alana Robinson. There's -- there were</p> <p>23 issues with the APD officers. So to say that that was the best</p> <p>24 option -- and I would also rely on Lieutenant Little's</p> <p>25 testimony where he said my recommendation was closing down the</p>	<p>1 from, what instructions they've been given, how they're</p> <p>2 supervised, what their duties and responsibilities are.</p> <p>3 There's a multitude of things that go into it. And again,</p> <p>4 going back to what I said repeatedly, we start with a</p> <p>5 vulnerability assessment and then we develop a plan. And in</p> <p>6 that plan, we detail all of these things. What -- how do</p> <p>7 private security officers fit into this equation? How do</p> <p>8 off-duty law enforcement officers fit into this equation?</p> <p>9 What's -- what's the best use of, as you put it, you</p> <p>10 know, limited budget perhaps, limited resources, how do we</p> <p>11 maximize the money we're spending, and -- and, you know, in</p> <p>12 conducting a vulnerability assessment and putting together a</p> <p>13 layered security plan, a qualified security professional would</p> <p>14 fit all those puzzle pieces together and come up with a plan of</p> <p>15 -- that, number one, includes a role for private security and,</p> <p>16 you know, the thing -- the -- you haven't mentioned, sir, is</p> <p>17 that they weren't there the night of this event.</p> <p>18 And to say that they were the best option out there,</p> <p>19 for you to say it, for them to say it, I would have to ask the</p> <p>20 question why were they not there on June 30th? If they are the</p> <p>21 best option and far superior, you know, why were they not</p> <p>22 deployed in a manner where they have coverage. And again --</p> <p>23 and I discussed this based on the documentation, their schedule</p> <p>24 was based on their ability -- sorry, their availability. Their</p> <p>25 schedule wasn't determined by the property and the property</p>
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<p>1 building because it was a public safety hazard. Number one was</p> <p>2 close it, fence it off, remodel it, and then do a grand opening</p> <p>3 with a newer version of this building with enhanced security</p> <p>4 measures, number one. Number two would be state of the art</p> <p>5 locks, camera systems, lighting, augment our patrols with maybe</p> <p>6 private off-duty security, fencing around the front with</p> <p>7 security gates to even enter onto the property.</p> <p>8 Q Okay. So this is where you're not answering my</p> <p>9 questions. My question -- you're demolishing buildings, doing</p> <p>10 all these things. I'm asking you from an officer APD with</p> <p>11 police power, we already agreed that all of those officers who</p> <p>12 have testified in this case -- well, I don't know if you agree</p> <p>13 so I'm not going to say that. They have said it, they said</p> <p>14 what they said. Do you agree think that a private security</p> <p>15 guard without arrest power is superior in every way to an</p> <p>16 off-duty APD officer to patrol the Bedford Pines areas in 2020?</p> <p>17 A Do I believe that a private security officer without</p> <p>18 arrest powers is superior in every way to an off-duty APD</p> <p>19 officer?</p> <p>20 Q Yes.</p> <p>21 A No.</p> <p>22 Q Okay. So in what ways are private security guards</p> <p>23 superior to a general off-duty APD officer?</p> <p>24 A Well, the answer is, number one, it depends. It</p> <p>25 depends on how they are deployed, what plan they're operating</p>	<p>1 saying this is what we need to keep our people safe. They</p> <p>2 allowed the officers to dictate this is when we're available</p> <p>3 with --</p> <p>4 Q So --</p> <p>5 A With private security, the clients, or in this case</p> <p>6 Wingate Management, could state this is when we need officers</p> <p>7 here. Now, off-duty APD officers with arrest powers and</p> <p>8 equipment and police training, and radios, of course that --</p> <p>9 that's a valuable resource but that resource needs to be</p> <p>10 deployed properly and reasonably and effectively. And</p> <p>11 unfortunately, in this case, it was not.</p> <p>12 Q So this is another situation where you're not</p> <p>13 answering my question. We are here today to ask you questions</p> <p>14 and for you to answer them. You can always say I'm sorry, I</p> <p>15 cannot answer your question. Okay? So for instance, we can</p> <p>16 all agree that you have testified there was not a security</p> <p>17 vulnerability assessment on the property, correct?</p> <p>18 A I have not seen evidence of one, no.</p> <p>19 Q Okay. You've testified that there -- nothing you've</p> <p>20 seen you would categorize as security vulnerability assessment,</p> <p>21 correct?</p> <p>22 A Correct.</p> <p>23 Q Nothing you have seen constitutes a security plan put</p> <p>24 together with the assistance of a qualified security</p> <p>25 professional after a security vulnerability assessment has been</p>

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<p>1 conducted, correct?</p> <p>2 A Correct.</p> <p>3 Q All right. So when I ask you in what way are</p> <p>4 security guards superior, you said I don't know because this</p> <p>5 hasn't been done and that hasn't been done. But my -- today --</p> <p>6 so if your answer is I don't know, I can't tell you, then</p> <p>7 answer it that way. But today it what I'm here to ask about</p> <p>8 and you're here to answer the questions that I ask as of today.</p> <p>9 So as we're sitting here today, can you tell me in what way</p> <p>10 armed security personnel that you reference in Opinion 2 would</p> <p>11 be superior to an off-duty APD officer in general in June of</p> <p>12 2020 at this property?</p> <p>13 A Well, sir, that wasn't your question. The question</p> <p>14 you asked me is to explain how they're superior in every way.</p> <p>15 Q That's wrong. That's not the question I asked.</p> <p>16 That's absolutely not the question I asked. I can have the</p> <p>17 court reporter read it back if you want, but I'm reading it off</p> <p>18 this paper so I know exactly what I asked. You've got to</p> <p>19 listen to my question, you've got to answer my question. Don't</p> <p>20 answer five questions ago, answer my question.</p> <p>21 So -- and again, if your answer is I can't answer</p> <p>22 that because a security vulnerability assessment wasn't done</p> <p>23 and there was no security plan, fine, so be it. That's your</p> <p>24 answer, we'll move on. So in what way would armed security</p> <p>25 personnel that you reference in Number 2 have been superior to</p>	<p>1 competing to win these contracts. So with that, I would like</p> <p>2 to take a break.</p> <p>3 Q Well, hold on. You've got to finish my question. Is</p> <p>4 that the only way it's superior? You've got to finish</p> <p>5 answering my question at least before we take a break. You</p> <p>6 named me one. Are there any others?</p> <p>7 A Well, I named you several components of one. The</p> <p>8 scheduling, the supervision, so being able to supervise and</p> <p>9 hold accountable, to make sure things were done. And that's --</p> <p>10 you know, when you have private security, you have greater</p> <p>11 accountability versus off-duty law enforcement to say, hey,</p> <p>12 these are the things we need done and we're going to make sure</p> <p>13 they are done. We're gong to make sure you're patrolling. I</p> <p>14 mean, with off-duty law enforcement, it's difficult to enforce</p> <p>15 those expectations because, as the record states, they could</p> <p>16 take a job someplace else.</p> <p>17 They could, hey, I'm not happy with what you're</p> <p>18 asking me to do, so I'm going to take a job some place else so</p> <p>19 it's -- it's difficult in the security realm and, frankly,</p> <p>20 ill-advised to require wholly and solely on off-duty law</p> <p>21 enforcement. That's why the security industry is a massive</p> <p>22 industry and that's why security companies are very, very --</p> <p>23 it's a very lucrative business to be in because it's something</p> <p>24 that's necessary, especially when you think about -- you know,</p> <p>25 and there's testimony about this -- when you think about the</p>
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<p>1 off-duty APD officers in June of 2020?</p> <p>2 A Well, number one, they would have been superior in</p> <p>3 that they could be put on a schedule to be there in the evening</p> <p>4 hours. So their availability, when you hire private security,</p> <p>5 you, as the client or in this case Wingate, would dictate the</p> <p>6 hours that they're needed to be on the property. So we have</p> <p>7 crime occurring in the evening hours. We have shootings</p> <p>8 occurring in the evening hours. We have testimony about that</p> <p>9 police reports about that. Excuse me. So with the private</p> <p>10 armed security, you're not dependent on the schedule that APD</p> <p>11 has of its officers.</p> <p>12 You can dictate, this is when we need you here and</p> <p>13 these are the functions we need you to fulfill, which include</p> <p>14 security functions, providing security for the subject</p> <p>15 property, providing security for the residents and guests,</p> <p>16 providing security for the property to safeguard it. And</p> <p>17 that's a very well-established process where you have a -- you</p> <p>18 have a request for proposal, you have a contract, you have</p> <p>19 scope, you have deliverables, everything is laid out in writing</p> <p>20 and companies bid on those and quite competitively to try and</p> <p>21 win those contracts.</p> <p>22 You know, this is something that I talk about with my</p> <p>23 ASIS colleagues on a regular basis is, you know, how these</p> <p>24 contracts are bid on and how these contracts are won and the</p> <p>25 amount of companies that -- private security companies that are</p>	<p>1 lack of availability of law enforcement officers, especially</p> <p>2 during this time period.</p> <p>3 To have private security officers that you can better</p> <p>4 manage and better hold accountable and schedule is another way</p> <p>5 where they are -- you know, where they're preferable. Now</p> <p>6 again, that's not to say that there's no role for off-duty law</p> <p>7 enforcement. Off-duty law enforcement can augment and can</p> <p>8 provide certain resources and can provide certain capabilities</p> <p>9 that private security cannot. But it's not -- it's not a</p> <p>10 complete replacement. With that, I would like to take a break.</p> <p>11 Q That's fine. Just as long as you say I've given you</p> <p>12 a full and complete answer to your question. Did you give a</p> <p>13 full and complete answer to my question?</p> <p>14 A Those are the things that immediately come to mind</p> <p>15 when I talk about security officers and security officer</p> <p>16 functions and the benefits of having private security versus</p> <p>17 off-duty law enforcement and some of the benefits I detail. So</p> <p>18 in my report on Page 35, security officers' responsibilities</p> <p>19 include, but are not limited to -- and this is again -- I'm</p> <p>20 citing the ASIS International physical asset protection</p> <p>21 standard, so this is an ANSI standard that says controlling</p> <p>22 facility access, screening employees and visitors, inspecting</p> <p>23 packages in vehicles, monitoring security systems, conducting</p> <p>24 patrols, responding and -- responding to and reporting on</p> <p>25 security incidents and documenting incidents.</p>

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<p style="text-align: right;">Page 142</p> <p>1 These are -- these are expectations of private</p> <p>2 security officers. And these things are not listed when you</p> <p>3 look at the job requirements or the job description of the</p> <p>4 off-duty APD officers, it doesn't list these things. The word</p> <p>5 security isn't even mentioned. So I mean there's a multitude</p> <p>6 of reasons why security officers are not superior in every way,</p> <p>7 to your point previously, but they're a valuable resource if</p> <p>8 deployed properly. And off-duty law enforcement is a valuable</p> <p>9 resource as well that can augment, but unfortunately that --</p> <p>10 the system wasn't set up properly here. I would really like to</p> <p>11 take a break.</p> <p>12 Q That's fine. So you have fully and completely</p> <p>13 answered the question I asked?</p> <p>14 MR. BOUCHARD: I think he needs to use the bathroom.</p> <p>15 Let's take a break.</p> <p>16 MR. CLAYTON: That's fine. But he's going on and on</p> <p>17 and on. I asked a very simple question, it didn't even</p> <p>18 involve this property. It was a general. So I don't want</p> <p>19 to have to go back to that question, so if he's done, he</p> <p>20 can just say I've given you a full and complete answer.</p> <p>21 That's it.</p> <p>22 MR. BOUCHARD: Do you have more to answer, Charlie,</p> <p>23 or do you --</p> <p>24 THE WITNESS: At this time, that's all I would say.</p> <p>25 MR. CLAYTON: Okay.</p>	<p style="text-align: right;">Page 144</p> <p>1 provided the manpower during that time period at the subject</p> <p>2 property?</p> <p>3 A Well, I can tell you companies that provide those</p> <p>4 services that were not asked whether they could or could not.</p> <p>5 The companies that I know were operating at that time and are</p> <p>6 still operating today that provide those services.</p> <p>7 Q But in June of 2020, we all know, looking back on it</p> <p>8 now, it was a real weird time, right? We had COVID, right?</p> <p>9 A Yes.</p> <p>10 Q We had protests here in Atlanta, there were property</p> <p>11 destruction, protesting, things like that that were going on,</p> <p>12 right?</p> <p>13 A Well aware of that, yes.</p> <p>14 Q So it was -- you would agree with me that June 2020</p> <p>15 was a very unique time period here in Atlanta, correct?</p> <p>16 A There were challenges at that time, yes, I know full</p> <p>17 well, yes.</p> <p>18 Q So you haven't contacted any companies to say -- and</p> <p>19 you haven't come up with a number to confirm that there were</p> <p>20 any companies that were capable of providing whatever your</p> <p>21 calculations would have shown to be reasonable armed security</p> <p>22 personnel at the subject property during that time period?</p> <p>23 A That's correct.</p> <p>24 Q I notice that you use the word armed security</p> <p>25 personnel here, right?</p>
<p style="text-align: right;">Page 143</p> <p>1 THE VIDEOGRAPHER: Off the record at 2:28 p.m.</p> <p>2 (BREAK TAKEN)</p> <p>3 THE VIDEOGRAPHER: Back on video record at 2:41 p.m.</p> <p>4 BY MR. CLAYTON</p> <p>5 Q All right. We were talking about Number 2 on Page 3.</p> <p>6 You have not developed a analysis of how many armed security</p> <p>7 personnel should have been deployed at the subject property in</p> <p>8 June 2020, have you?</p> <p>9 A I have not.</p> <p>10 Q You haven't -- and that includes not how many people,</p> <p>11 how many hours, how many supervisor hours, anything like that?</p> <p>12 You haven't done any of that, correct?</p> <p>13 A That's correct.</p> <p>14 Q And so you haven't calculated the cost of what would</p> <p>15 constitute deploying armed security personnel in a reasonable</p> <p>16 manner to guard the subject property in June 2020, correct?</p> <p>17 A That's correct.</p> <p>18 Q You have not identified any companies that were</p> <p>19 capable of providing whatever level of security should have</p> <p>20 been provided, armed security, in June 2020, have you?</p> <p>21 A I haven't been asked to provide such a list.</p> <p>22 Q That's fine. I'm not asking what you've been</p> <p>23 provided, I'm just saying you haven't done it.</p> <p>24 A I have not.</p> <p>25 Q Okay. So you can't tell any company that could have</p>	<p style="text-align: right;">Page 145</p> <p>1 A I did.</p> <p>2 Q Is it your opinion that any security personnel that</p> <p>3 would have been deployed in a reasonable manner out there</p> <p>4 needed to be armed?</p> <p>5 A It is.</p> <p>6 Q Okay. Have you reviewed or analyzed any other</p> <p>7 multifamily property's armed security plan that you set out in</p> <p>8 Number 2?</p> <p>9 A I have not.</p> <p>10 Q Have you ever prepared a armed security plan for any</p> <p>11 multifamily housing property as you set out in Number 2?</p> <p>12 A No.</p> <p>13 Q Do you know of any multifamily properties in or</p> <p>14 around Atlanta that deployed more armed personnel, APD</p> <p>15 officers -- I'm not -- I don't want to use a loaded on, I'm</p> <p>16 really not trying to do that, so right. I'm trying to --</p> <p>17 people who were armed and were in or around the property in a</p> <p>18 paid position in 2020 than Wingate did at Bedford Pines, any</p> <p>19 multifamily properties?</p> <p>20 A Could you break that question down?</p> <p>21 Q Okay. So I'm just trying to ask: Do you know of any</p> <p>22 properties that had more armed people, whether it be off-duty</p> <p>23 officers, armed security or anyone, any multifamily housing</p> <p>24 properties that had more during that time period?</p> <p>25 A Than Bedford Pines?</p>

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<p>1 Q Yes.</p> <p>2 A I do not.</p> <p>3 Q Okay. Opinion 3, Page 3. It says the subject</p> <p>4 property should utilize video surveillance or cameras in a</p> <p>5 reasonable manner as of June 30, 2020. Do you see that?</p> <p>6 A I do.</p> <p>7 Q We agree that there were cameras in and around the</p> <p>8 areas, correct?</p> <p>9 A We do.</p> <p>10 Q Okay. And we know that because we have video of this</p> <p>11 incident, right?</p> <p>12 A Yes.</p> <p>13 Q And let me just ask you if you understand, Wingate</p> <p>14 had cameras on Georgia Power poles that hid (indiscernible),</p> <p>15 correct?</p> <p>16 A That what now?</p> <p>17 Q At least cameras on Georgia Power poles?</p> <p>18 A Yeah, I know there was a video surveillance camera</p> <p>19 project -- conjecting coordination with Georgia Power. We saw</p> <p>20 that system when we did the site inspection. There is a</p> <p>21 picture of the monitoring room for that system and we were told</p> <p>22 that that was in place prior to the shooting.</p> <p>23 Q So it was a reasonable thing to do to get those</p> <p>24 cameras in place, correct?</p> <p>25 A Yes.</p>	<p>1 that a license plate reader or a camera can be put up and</p> <p>2 integrated into the Atlanta police system, right?</p> <p>3 A Yes.</p> <p>4 Q And you understand that the Georgia Power cameras</p> <p>5 that Wingate had also integrated into the APD system?</p> <p>6 A As far as I recall, yes.</p> <p>7 Q And that's a reasonable thing to do, correct?</p> <p>8 A Uh-huh, yes.</p> <p>9 Q What I think your criticism is -- and you correct me</p> <p>10 if I'm wrong -- is that there wasn't someone in real time</p> <p>11 monitoring the camera systems that was employed by Wingate.</p> <p>12 Is -- is that the criticism that you have? And again, let me</p> <p>13 be clear, I'm trying to understand is it the number of cameras</p> <p>14 that you say? Is it not monitoring them? I'm really trying to</p> <p>15 understand what it is that your opinion -- because we know that</p> <p>16 we did some things, so I'm trying to figure out what you say</p> <p>17 was what we did not do enough of.</p> <p>18 A Well, to your point, to your question, yes, not being</p> <p>19 monitored in realtime, so that is one aspect of it. The other</p> <p>20 aspect of it is having a plan for how the cameras integrate</p> <p>21 into the larger physical security system. So again, going back</p> <p>22 to what I said earlier, by conducting a vulnerability</p> <p>23 assessment, you assess where a camera should be -- where camera</p> <p>24 coverage is missing, where camera coverage is needed, and then</p> <p>25 a plan is drawn and a schematic is drawn up specifically for</p>
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<p>1 Q Okay. You understand that there were public -- there</p> <p>2 were other cameras on neighboring homes, business, public</p> <p>3 cameras in and around the area, correct?</p> <p>4 A Private and public cameras.</p> <p>5 Q Yes.</p> <p>6 A Privately owned.</p> <p>7 Q Correct.</p> <p>8 A As well as public.</p> <p>9 Q Yes.</p> <p>10 A Yes.</p> <p>11 Q And are you aware that there were license plate</p> <p>12 readers connected to the APD system in the area paid for by</p> <p>13 Wingate?</p> <p>14 A In the area of 600 North Parkway Drive?</p> <p>15 Q In and around the area on -- that were --</p> <p>16 A I don't recall any specifics about the license plate</p> <p>17 readers.</p> <p>18 Q Okay. Let me just ask you generally: Do you</p> <p>19 understand the Atlanta Police Foundation has a system and you</p> <p>20 can donate and you can pay for license plate readers and</p> <p>21 cameras that then integrate into the police system? Are you</p> <p>22 generally aware of that?</p> <p>23 A Yes.</p> <p>24 Q All right. You agree with me that it's a good and</p> <p>25 reasonable thing to do to have a business pay and donate so</p>	<p>1 cameras to -- these are the areas we need to deploy cameras.</p> <p>2 This is how it fits into our larger security system, and that</p> <p>3 was not done.</p> <p>4 So, you know, your question with it reasonable to put</p> <p>5 up cameras? Yes, it was reasonable to put up cameras, but just</p> <p>6 because you put up cameras doesn't mean you're applying a</p> <p>7 reasonable level of security. You know, there's a lot more</p> <p>8 that goes into it than just putting up cameras.</p> <p>9 Q I understand that and -- but, you know, three, to me,</p> <p>10 I mean it uses the word utilization, so it's utilization of</p> <p>11 cameras. Are you -- is it your opinion here today, because</p> <p>12 today is when I have to ask you, that there weren't enough</p> <p>13 cameras in the area or have you not done an assessment of that?</p> <p>14 A That would be -- that would be part of a</p> <p>15 vulnerability assessment that I -- which is an assessment that</p> <p>16 I have not done which is where we look at the blind spots and</p> <p>17 where additional cameras are needed and how many cameras and</p> <p>18 what the sight lines are for the cameras and what lighting</p> <p>19 would be appropriate to get the best resolution out of the</p> <p>20 cameras. There's a whole lot that goes into that, which is</p> <p>21 work that our firm does, but that's not the assessment I did in</p> <p>22 the situation.</p> <p>23 Q I understand. So you're not going to testify there</p> <p>24 weren't enough cameras? You're going to say they didn't do the</p> <p>25 assessment to see how many they needed and where they should</p>

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<p>1 have been placed and then they weren't monitoring in realtime</p> <p>2 the ones that they had?</p> <p>3 A Right, all to say they weren't -- the cameras weren't</p> <p>4 being utilized properly.</p> <p>5 Q So in your opinion, are you saying that the cameras</p> <p>6 that they did have needed to be monitored by Wingate 24/7?</p> <p>7 A Well, needed to be monitored by somebody 24/7 that</p> <p>8 was able to summon a response. So there are camera systems out</p> <p>9 there that are monitored in foreign countries and they're able</p> <p>10 to summon a response from law enforcement or from security</p> <p>11 personnel. So, you know, that the whole outsourcing of your</p> <p>12 camera monitoring is -- is, you know, in some applications</p> <p>13 that's a reasonable measure. But again, these are all things</p> <p>14 that flow from the security plan and security assessment. So</p> <p>15 in this situation, unfortunately we didn't have that, so no, yo</p> <p>16 know. As I stated, they should have utilized video</p> <p>17 surveillance in a reasonable manner, so it's a few different</p> <p>18 things.</p> <p>19 Q Right. So you are not -- it is not your opinion that</p> <p>20 it had to be 24/7 by a Wingate employee?</p> <p>21 A No. It could have been done by Plaza, it could be</p> <p>22 done by a third-party company. It could've been done by APD or</p> <p>23 off-duty APD. You know, again, you know, those are elements of</p> <p>24 the security plan where you decide who is -- where are the</p> <p>25 cameras going to be monitored, who is going to monitor them.</p>	<p>1 A How many seconds?</p> <p>2 Q Yes.</p> <p>3 A I don't know.</p> <p>4 Q Does it matter to you?</p> <p>5 A Does it matter how many seconds from the first shot</p> <p>6 to the last shot?</p> <p>7 Q And the car is gone. The reason I'm saying is</p> <p>8 because you talk about response time. There's a different, we</p> <p>9 can all agree, between a 20 minute gun battle and a ten second</p> <p>10 drive-by shooting and it's gone as to what response time will</p> <p>11 do, right?</p> <p>12 A Uh-huh.</p> <p>13 Q Yes?</p> <p>14 A I guess.</p> <p>15 Q That's when it comes to verbal answers? You weren't</p> <p>16 giving me a yes there.</p> <p>17 A Yes, sir.</p> <p>18 Q So in this incident, you do not know how many seconds</p> <p>19 it was?</p> <p>20 A From the first shot to the last shot of this</p> <p>21 incident?</p> <p>22 Q Yes.</p> <p>23 A I do not know how many seconds it was.</p> <p>24 Q Do you know what the actual APD response time was to</p> <p>25 this shooting?</p>
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<p>1 You know, what's the schedule for them being monitored, how do</p> <p>2 we summon a response if we have an issue. All of these things</p> <p>3 are what I've noticed as deficiencies.</p> <p>4 Q You keep going back to the vulnerability assessment.</p> <p>5 So would it be impossible for them -- for Wingate having not</p> <p>6 done the vulnerability assessment that you say should have been</p> <p>7 done to have had reasonable surveillance usage at the time of</p> <p>8 this shooting?</p> <p>9 A It would have been very, very difficult having not</p> <p>10 done a vulnerability assessment not by a certified professional</p> <p>11 or qualified professional to not have a security plan to</p> <p>12 incorporate a reasonable video surveillance system.</p> <p>13 Q And you -- and that's despite the fact that these do</p> <p>14 incorporate into the APD system? So they could have been</p> <p>15 monitored by somebody from APD at the time?</p> <p>16 A Well, I have no documentation that they were.</p> <p>17 Q That would be on-duty APD. I'm saying the whole</p> <p>18 point of these is that they filter into the system and they can</p> <p>19 be pulled up by APD at any point in time?</p> <p>20 A Yes, the FUSA system, I'm very well aware.</p> <p>21 Q So let's talk about this shooting for a second.</p> <p>22 A Yes, sir.</p> <p>23 Q How many seconds or minutes or hours was it from the</p> <p>24 time that the first shot was fired until the last shot was</p> <p>25 fired and the car was heading off the street?</p>	<p>1 A I do not.</p> <p>2 Q Do you know what the average response time June of</p> <p>3 2020 was to a shooting?</p> <p>4 A I do not.</p> <p>5 Q We have video of it. I will represent to you that</p> <p>6 the whole thing is less than 20 seconds long. You've seen the</p> <p>7 video?</p> <p>8 A I have.</p> <p>9 Q You may not have put it on a stopwatch but, I mean,</p> <p>10 you agree with me it's not something that goes off for minutes</p> <p>11 and minutes, right?</p> <p>12 A Yes, I agree.</p> <p>13 Q So there would be no way, whether you're monitoring a</p> <p>14 camera in realtime, to pick up the phone and call 911 and get</p> <p>15 them to show up at the place before the car, as we know it did,</p> <p>16 drove off in realtime, correct?</p> <p>17 A If we're just talking about the shooting itself, I</p> <p>18 would agree with you. But my opinion involves the entire</p> <p>19 incident. So the time period that people were gathering</p> <p>20 outside, so which was an extended period of time. You know,</p> <p>21 I -- we don't know exactly how long, but we have testimony that</p> <p>22 hour or more people were gathering out there. So if that was</p> <p>23 seen on camera and if they said, hey -- you know, to your</p> <p>24 point, there's no loitering, there's no -- you know, we have</p> <p>25 signs up that say no loitering, you're violating the house</p>

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<p>1 rules, you need to disperse, if that was observed on camera, 2 hey, we have a large group of people, we have a food truck, 3 this is not allowed, they shouldn't be here. You know, to your 4 point earlier about a person who might be there trespassing, 5 okay, this could be observed on camera, security or law 6 enforcement personnel could respond, had time to respond prior 7 to the shooting to tell people you need to disperse, you need 8 to move off property, that's where this could have been 9 effective.</p> <p>10 Q So as I understand it, it -- you're saying that it 11 could -- you define incident as being more than the shooting, 12 right, as used in your report?</p> <p>13 A Well, I'm talking about the evening, what transpired 14 that evening and how video surveillance could have intervened 15 prior to the shooting.</p> <p>16 Q I know, but I'm -- and I'm really not -- I'm really 17 trying to drill down. It's capitalized so it's got a -- so 18 it's a proper name here, which is totally fine. I was thinking 19 that the incident was the shooting itself. Are you testifying 20 they the -- as you have a proper name here that the incident is 21 not just the shooting, it's the whole night?</p> <p>22 A Well, no. What I'm saying is the lack -- let me not 23 misspeak. The lack of reasonable video surveillance 24 utilization allowed a dangerous condition to persist and was a 25 substantial factor in the incident. So when we're talking</p>	<p>1 sir.</p> <p>2 Q And, of course, these five individuals, the 3 plaintiffs, they all knew about many of the prior violent 4 incidents that happened in this area, correct?</p> <p>5 MR. BOUCHARD: Object to form.</p> <p>6 THE WITNESS: I can't say what they knew or didn't 7 know, no.</p> <p>8 BY MR. CLAYTON</p> <p>9 Q What did they testify about?</p> <p>10 A I don't recall what they testified about, but I can't 11 say exactly what they knew or didn't know.</p> <p>12 Q If somebody had been shot themselves on that property 13 before, you would say they are pretty well aware of whether 14 it's safe or not, right?</p> <p>15 A Well, I would agree that they would be -- if they 16 themselves were a victim of a shooting, then they would be 17 aware at least of that shooting, but I don't recall testimony 18 where anyone stated that all of the shootings that I detail n 19 Appendix C they were made aware of. And leading up to the 20 incident, we have 40 shootings between April of 2018 and June 21 of 2020. So I don't recall testimony where someone said I was 22 aware of the 40 shootings leading up to this incident.</p> <p>23 You know, again, those are things that people there 24 should have been made aware of and could have been made aware 25 of had someone responded, had someone, number one, been</p>
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<p>1 about the incident, we're talking about the shooting. However, 2 had video surveillance and a response force been utilized 3 properly, the incident does not take place because the crowd is 4 dispersed. Security personnel respond and say, hey, you're 5 not -- you know, look at the sign, you're not allowed to loiter 6 here, you're not allowed to have food truck here, you can't be 7 here. So if the crowd is not there, if the people are not 8 there and/or security personnel are on seen -- well, 9 number one, if people are not there to be shot at, the incident 10 doesn't happen. If security personnel are on scene addressing 11 the crowd or confronting the crowd or telling people they need 12 to disperse, the likelihood of the shooting happen -- happening 13 is reduced.</p> <p>14 Q So you're saying that had there be monitored 15 surveillance, the plaintiffs would have been kicked off the 16 property before the shooting had happened?</p> <p>17 A Either -- well, they would have been told they 18 couldn't congregate there. They could -- they were there 19 visiting people. There's testimony about them there as guests 20 visiting people, so they're told to go into the homes of the 21 people you're here to visit. I understand you bought some 22 food, to eat it elsewhere but you can't congregate here. We 23 have a rule, there's a sign, and furthermore, we've had a lot 24 of violent incidents in the evening of this particular area, so 25 it's not safe for you to be here. That's what I'm suggesting,</p>	<p>1 monitoring the cameras and, number two, initiated a response.</p> <p>2 Q Do you know of a single multifamily housing property 3 in the Atlanta area that conforms with your reasonable video 4 surveillance utilization in or around June 2020?</p> <p>5 A I do not.</p> <p>6 Q Opinion Number 4, the subject property should have 7 made reasonable attempts to limit pedestrian activity at the 8 subject property in the evening hours due to ongoing violent 9 crime to include numerous drive-by shootings. Do you agree 10 that the plaintiffs were not residents of the property, 11 correct?</p> <p>12 A I do.</p> <p>13 Q And do you know the names of any actual tenants that 14 they were allegedly guests of that night?</p> <p>15 A I know there was testimony around that. I don't 16 recall the specific names.</p> <p>17 Q These buildings, you understand, were only a couple 18 stories high, right?</p> <p>19 A Yes.</p> <p>20 Q And, you know, in some garden style apartments that 21 you've been there to, there could be 20 buildings all within a 22 fence or you drive in, so they could be quite a distance from 23 one another, correct?</p> <p>24 A Yes.</p> <p>25 Q But here, if there was a shooting or some violent</p>

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<p>1 incident that the residents of the buildings could have just 2 heard it for themselves because it's literally right there, 3 right? 4 A Are you talking about specifically on the 600 north 5 block? 6 Q Yeah. 7 A That they could have heard it? 8 Q Yes. 9 MR. BOUCHARD: Object to form. 10 THE WITNESS: There are reasons why they may not 11 have, to include they weren't home and for whatever other 12 reason they didn't hear it, didn't know about it. So I 13 don't -- yeah, so if you're asking me they should have 14 known because they heard all of them, I would disagree. 15 BY MR. CLAYTON 16 Q Would you agree that all of the plaintiffs were 17 generally aware of crime in this area prior to this shooting? 18 A I would agree that the plaintiffs, in all likelihood, 19 were generally aware given their familiarity with the area, but 20 I can't say specifically what they knew or didn't know. I 21 would have to go back and look at the deposition testimony. 22 Q Are you saying that Wingate should have told each of 23 these five individuals that a prior crime had happened in the 24 area? They were not -- they were not tenants, right? So I'm 25 asking specifically about these five individuals. Are you</p>	<p>1 factor in why they didn't get -- I'm sorry. I believe, as I 2 put in my report, the lack of -- the failure to monitor and 3 limit pedestrian activity on the subject property allowed a 4 dangerous conditions to persist and was a substantial factor in 5 the incident. So had notifications gone out to residents, to 6 your point, if residents were aware that, hey, this is what -- 7 this is the situation we have going on, there's been a lot of 8 crime, we don't have security personnel working in the evening, 9 then those residents could have informed their guests, could 10 have informed the food truck, could have informed, you know, 11 people congregating, hey, this isn't safe, you shouldn't be 12 here, you should be indoors, you should be elsewhere, I believe 13 that's -- that's reasonable to -- based on the documentation 14 I've reviewed. 15 Q So now we're going to have to drill into details. 16 What resident specifically of these buildings are you saying 17 had Wingate told by name would have told these people? Because 18 the gap there for me is too far, so I need to connect the dots. 19 The name, if you've got a unit number that would be great, but 20 what's the name of the person that you say had Wingate told 21 this specific person, they would have told these five 22 plaintiffs? 23 A I can't give you a specific name. What I'm 24 suggesting, sir, is that it is a reasonable security measure 25 and part of a reasonable layered security plan to notify all</p>
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<p>1 saying that Wingate should have told these five individuals 2 that night of prior crime in the area? 3 A Yes. I'm saying if they were seen on video in the 4 area and they weren't supposed to be there or they weren't 5 supposed to be loitering and Wingate is aware of all the prior 6 shootings and prior violent crimes specifically on that block 7 and they had dispatched security personnel to the location to 8 say, hey, we've had a lot of shootings here, you shouldn't be 9 congregating here, it's against our rules, it's not safe, I 10 think that's very reasonable. 11 Q Even though they weren't supposed to be on the 12 property? 13 A Well, you keep saying that, sir. I wasn't asked to 14 offer an opinion as to whether they were or were not supposed 15 to be there. That would require further analysis and that's 16 outside the scope of my assignment. 17 Q But you would agree with me that generally telling 18 residents about crime in the area isn't the reason that they 19 got shot that night, right? 20 MR. BOUCHARD: Object to form. 21 BY MR. CLAYTON 22 Q Well, let me ask it this way: Is not telling 23 residents about all the other crime the reason that these five 24 individuals got shot that night? 25 A I think it was a -- I think it was a substantial</p>	<p>1 tenants of security issues, to notify all tenants of crime at 2 the property, to notify all tenants of issues and the lack 3 security and to notify all tenants of perhaps the dangers that 4 exist. You know, sir, I talk about that extensively. I mean 5 that's well cited. 6 Q I just asked for the name of the person. That's all 7 I asked for. And remember my specific question is: I need the 8 -- so I want -- I deserve to go ask that person, say would you 9 have told these five individuals had you been informed. So do 10 you have the name of anyone who was a tenant at the property 11 that your opinion is they would have told these five 12 individuals on that night about any prior crime? 13 A If you're asking me for a name, can I provide you 14 with a name of somebody who, with certainty, would have told 15 them, the answer is no, I cannot. 16 Q Let's go away from certainty, probably. Tell me the 17 name of anyone who was a resident of the property that probably 18 would have told these five individuals had they been alerted? 19 A Well, the people that they were there to visit for 20 starters. The people that they were there to visit, other 21 residents who happen to be, you know, neighbors. I mean, I 22 think -- I think it's a few things. I think number -- 23 Q I just need names. I'm just looking for names here 24 because I want to -- 25 A I cannot provide you a specific name.</p>

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<p>1 MR. BOUCHARD: Let him finish answering.</p> <p>2 MR. CLAYTON: That's fine. My question was --</p> <p>3 MR. BOUCHARD: Right, let him finish answering your</p> <p>4 last question before you ask a new one.</p> <p>5 MR. CLAYTON: But he's not answering the question. I</p> <p>6 said --</p> <p>7 MR. BOUCHARD: That's fine. You may not like the</p> <p>8 answer -- let him finish answering.</p> <p>9 MR. CLAYTON: Again, if I ask for a name, it's just I</p> <p>10 can give you a name or I can't give you a name.</p> <p>11 MR. BOUCHARD: Lee, let him finish answering the</p> <p>12 question.</p> <p>13 MR. CLAYTON: Okay. Question --</p> <p>14 MR. BOUCHARD: Charlie, please finish your answer.</p> <p>15 THE WITNESS: So again, sir, it is -- I think it's</p> <p>16 reasonable that tenants of the building, to include</p> <p>17 specifically the people that these men were there to</p> <p>18 visit, would have informed them, hey, we received notice</p> <p>19 from Wingate Management that there's been lots of</p> <p>20 shootings outside. I mean, one of -- one of the men was</p> <p>21 there to get food for a girlfriend who lived there. She</p> <p>22 testified that he was going to get food and bring it back</p> <p>23 to her. I mean. you know, we've got the testimony of</p> <p>24 Jasmine Mangum.</p> <p>25 We've got the testimony of Santia Seaborne. There's</p>	<p>1 A No, sir.</p> <p>2 Q Okay. So going back to the question that I asked.</p> <p>3 Can you give me the names of residents of Bedford Pines that</p> <p>4 probably would have told these five individuals of violent</p> <p>5 crime in the area had they been alerted by Wingate?</p> <p>6 A I cannot.</p> <p>7 Q The three individuals that you gave me by name, you</p> <p>8 would agree with me that they were aware of frequent violence</p> <p>9 in the area, correct?</p> <p>10 MR. BOUCHARD: Objection to form.</p> <p>11 THE WITNESS: I would have to review their testimony.</p> <p>12 I would have to look at it in more detail to -- I don't</p> <p>13 recall exactly what they said, but I do believe that they</p> <p>14 were aware of criminal activity.</p> <p>15 BY MR. CLAYTON</p> <p>16 Q So if they already knew, they didn't need to be told</p> <p>17 by Wingate because they already knew for themselves?</p> <p>18 A Well, I think you're making a big leap there, sir.</p> <p>19 It's one thing to say they were aware of criminal activity.</p> <p>20 It's another thing to say they were aware of the 40 shootings</p> <p>21 between April of 2018 and this incident in June of 2020. So to</p> <p>22 say, oh, you live there, you're aware of crime in the area,</p> <p>23 well, they -- there's testimony to support that. That's</p> <p>24 different than saying I'm aware of the specific incidents</p> <p>25 because property management informed me.</p>
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<p>1 lots of testimony from people, Napora Roland. There's</p> <p>2 testimony of people that were there that, you know, said,</p> <p>3 you know, the various reasons hey -- now, again, can I</p> <p>4 give you the specific name of somebody who would have told</p> <p>5 them? No. What I'm telling you is it is reasonable --</p> <p>6 number one, as a security professional, it is a reasonable</p> <p>7 measure and an industry accepted practice to notify</p> <p>8 residents -- and it's well documented. Even the National</p> <p>9 Apartment Association speaks to this, notifying residents</p> <p>10 of security problems.</p> <p>11 And I believe had that been done, it's likely that</p> <p>12 they would have been told. You shouldn't be here or you</p> <p>13 shouldn't be congregating out there, it's dangerous. And</p> <p>14 you should be -- you know, you should be indoors or</p> <p>15 elsewhere. But, you know, Wingate -- Wingate chose not to</p> <p>16 do that. That's how I -- that's how I landed on that</p> <p>17 opinion. And I -- there's another --</p> <p>18 BY MR. CLAYTON</p> <p>19 Q I just asked for three -- I asked for names, you gave</p> <p>20 me three names. And so to go back so I can re-categorize the</p> <p>21 thing -- David loves to do this, I should do it more. So those</p> <p>22 three names that you gave me, those would be the three people</p> <p>23 that your testimony are residents of Bedford Pines and probably</p> <p>24 would have told these five had they known it was violence in</p> <p>25 the general area?</p>	<p>1 Q But you know a lot of the incidents you cite didn't</p> <p>2 occur on the property, right? We can agree with that?</p> <p>3 A Some of them occurred in the vicinity of the</p> <p>4 property.</p> <p>5 Q Yeah, I mean, what's your area here? Are you one</p> <p>6 square mile? Two square miles? What's your vicinity? What do</p> <p>7 you mean by that?</p> <p>8 A Well, I mean that's -- that's laid out. The</p> <p>9 information I received, you know, we're talking about -- I mean</p> <p>10 I think without more careful analysis I would venture this is</p> <p>11 all within a half-mile of the subject property.</p> <p>12 Q The subject property -- are you -- you're talking</p> <p>13 only north block now because the whole Bedford Pines is more</p> <p>14 than a mile long.</p> <p>15 A I'm talking -- okay.</p> <p>16 Q So it's --</p> <p>17 A Within a half-mile of Bedford Pines.</p> <p>18 Q Of any Bedford Pines is what your --</p> <p>19 A Yes, sir. Yes, sir.</p> <p>20 Q So it is your testimony though -- let me just ask</p> <p>21 you: Is there any way, other than to inform these five</p> <p>22 individuals who were on the property that night, without</p> <p>23 physically someone going out there and talking to them that</p> <p>24 night about prior crime?</p> <p>25 A Yes.</p>

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<p>1 Q How would Wingate itself have done that?</p> <p>2 A Notify the tenants and the tenants would notify them,</p> <p>3 one would hope.</p> <p>4 Q Could have notified them?</p> <p>5 A Yes, they would have had the opportunity to notify</p> <p>6 them.</p> <p>7 Q Okay. So let me just get this clear. You are not</p> <p>8 saying that Wingate needed to have someone go talk to these</p> <p>9 five guys that night?</p> <p>10 A No, I am saying that.</p> <p>11 Q So you're saying they needed to both tell the</p> <p>12 residents in some sort of newsletter type thing and send</p> <p>13 someone out there and talk to them that night?</p> <p>14 A I think both of those would have been good outcomes</p> <p>15 and both of those -- or the fact that neither of those took</p> <p>16 place was a significant factor in this. So had either of those</p> <p>17 taken place, the chances of this happening are reduced</p> <p>18 significantly. It's --</p> <p>19 Q Is --</p> <p>20 A I'm sorry.</p> <p>21 Q Even though we know that the three individuals that</p> <p>22 you named and the five plaintiffs all knew off violence in the</p> <p>23 area?</p> <p>24 MR. BOUCHARD: Object to form.</p> <p>25 THE WITNESS: Well, we don't know exactly what they</p>	<p>1 Q So you are not going to be trying to offer opinions</p> <p>2 about property management or -- about property management,</p> <p>3 correct?</p> <p>4 A Only as it relates to security.</p> <p>5 Q I just want to make sure I drill down on this and I</p> <p>6 understand. In any given situation, the property managers who</p> <p>7 have a bunch of different things, the day-to-day obligations, I</p> <p>8 believe you were saying is when they pick up the phone and call</p> <p>9 you, a security consultant, you can testify about what that</p> <p>10 security person should do, right?</p> <p>11 A Yes.</p> <p>12 Q Okay. But you are not going to testify about when a</p> <p>13 property manager -- the property manager's standard of care is</p> <p>14 to pick up that phone and call a security expert, right? Do</p> <p>15 you understand the distinction I'm making or I need to explain</p> <p>16 it more?</p> <p>17 A If you could explain it a little bit more.</p> <p>18 Q All right. So if you were brought in by a property</p> <p>19 manager, you believe you can provide testimony about what a</p> <p>20 reasonable security consultant would do in that situation if</p> <p>21 contacted by a property management company, correct?</p> <p>22 A Uh-huh.</p> <p>23 Q Is that a yes?</p> <p>24 A Yes.</p> <p>25 Q But you are not going to be offering testimony about</p>
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<p>1 knew or didn't know. What we do know is that this -- the</p> <p>2 extent -- what I'm speaking of, sir, is the extent of the</p> <p>3 violence, the specifics, the notifications. To your</p> <p>4 point, a newsletter going out saying April 25th, 2019</p> <p>5 this took place; October 1st, 2019, this took place.</p> <p>6 These are things you need to know as a resident, we want</p> <p>7 you to be safe, we want you to be vigilant, we want you to</p> <p>8 be aware. What I was going to say is may I -- is it</p> <p>9 possible for us to take a break, sir?</p> <p>10 MR. CLAYTON: Yeah, that's fine.</p> <p>11 THE VIDEOGRAPHER: Off video record at 3:18 p.m.</p> <p>12 (BREAK TAKEN)</p> <p>13 THE VIDEOGRAPHER: Back on the video record at</p> <p>14 3:33 p.m.</p> <p>15 BY MR. CLAYTON</p> <p>16 Q Moving on to Page 5 of your report. A few sentences</p> <p>17 in it says here I was also asked to offer an opinion as to</p> <p>18 whether a reasonable property manager -- do you see that, where</p> <p>19 I'm talking about that?</p> <p>20 A I do.</p> <p>21 Q So are you -- we've already established you're not a</p> <p>22 property manager?</p> <p>23 A I am not.</p> <p>24 Q And you're not a property management expert, correct?</p> <p>25 A Correct.</p>	<p>1 what a reasonable property manager would do in the context of</p> <p>2 property management itself?</p> <p>3 A Again, only as it relates to security. So I think,</p> <p>4 if I understand your question correctly, I would offer an</p> <p>5 opinion about someone who is, in this case, a property manager,</p> <p>6 but they are also responsible for security. So in other words,</p> <p>7 security falls under my portfolio of responsibility, so I'm a</p> <p>8 property manager or I'm a facility manager. So not every</p> <p>9 organization or every facility has a dedicated security expert.</p> <p>10 Many organizations rely on their property manager or their</p> <p>11 facility manager or someone who has a different job entirely.</p> <p>12 I've seen organizations that have people who do HR as -- you</p> <p>13 know, security is one of their responsibilities in addition to</p> <p>14 HR and a number of other things.</p> <p>15 So what I'm speaking to is what a -- again, what I</p> <p>16 say here is whether a reasonable property manager who is</p> <p>17 responsible for security should have been on notice of a</p> <p>18 dangerous condition due to prior crimes at Bedford Pines</p> <p>19 Apartments managed by Wingate Management Company, LLC, the</p> <p>20 subject property located in the old fourth ward neighborhood of</p> <p>21 Atlanta, Georgia and prior crime in the surrounding area. So</p> <p>22 if a property manager says, yes, security is one of my</p> <p>23 responsibilities or that falls within my portfolio, then yes, I</p> <p>24 would.</p> <p>25 Q So what -- what specific property management</p>

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<p style="text-align: right;">Page 170</p> <p>1 background -- because we've already qualified you are not an 2 expert in property management, correct? 3 A I am not. 4 Q And you have no experience in property management? 5 A I do not. 6 Q All right. So what do you believe qualifies you to 7 provide an opinion about what a reasonable property manager 8 would think or do in any set of circumstances? 9 A Well again, I'm speaking specifically when it falls 10 into the realm of security. So if someone were to say, you 11 know, I have a multitude of responsibilities, one of them is to 12 be a lawyer, you could speak to the efficacy of their 13 understanding of the law and the way they practice the law. 14 You maybe couldn't speak to the other responsibilities they 15 have, but if they say I do a multitude of things, I'm 16 responsible for a multitude of things, security being one of 17 them, then I can speak to how they operate in the realm of 18 security. 19 Q Okay. So just so I understand this, you believe that 20 you are qualified to testify about what a reasonable lawyer 21 would do if that lawyer has responsibility for security of 22 their office? 23 A With regard to security decisions, yes. 24 Q Okay. But again, you have ever made any decisions, 25 security decisions as a property management expert, correct --</p>	<p style="text-align: right;">Page 172</p> <p>1 that I lay out in this report. 2 Q Okay. So name any Atlanta Apartment Association -- 3 excuse me, back up. Name any respected organizations, only 4 dealing with property management that support what you just 5 said. 6 A I cannot. 7 Q Can you name any, a single low-income housing 8 multifamily property that has a property manager that would 9 ascribe to what you're saying? 10 A No. 11 Q But yet, you, who has never been a property manager, 12 never been a property management expert, believe and plan to 13 opine that property managers -- well, back up. Let me ask you 14 this: Can you point to any ASIS papers, treatises, guidelines 15 that mandates that all property managers who have anything to 16 do with security must know their guidelines? 17 A ASIS doesn't publish mandates, sir. 18 Q Okay. Can you point to any official ASIS literature 19 -- I don't mean to offend you if what I said -- any official 20 ASIS literature of any kind that says that multifamily property 21 managers must be familiar with their guidelines? 22 A No. 23 Q That's not an official position of ASIS, is it? 24 A Well, an official position of ASIS, I'm going to have 25 to share with you, the official position of ASIS is that</p>
<p style="text-align: right;">Page 171</p> <p>1 excuse me, as a property manager? Let me just back up. You 2 have never made a decision as a property manager related to 3 security, have you? 4 A As a property manager related to -- have I made 5 decisions as a property manager? No. Have I made decisions as 6 a security professional? Yes. So if someone says my 7 responsibilities include security in addition to other things, 8 then I am qualified to speak on where their decision-making 9 fell in the realm of security. 10 Q But property managers and whether they meet the 11 standard of care is comparing it to other property managers, 12 correct? 13 A Not in the realm of security. 14 Q So do you hold property managers to know anything 15 about ASIS training to meet their standard of care? 16 A If they're responsible for security, they should and 17 I know several who do. 18 Q Okay. That's fine. So to be clear, any property 19 manager to meet the standard of care must know about ASIS 20 security training and certifications? Is that your testimony? 21 A My testimony is they should. If they are going to be 22 -- if security is going to be one of their responsibilities and 23 they say I'm a property manager or I'm a facility manager but 24 my responsibility includes security, then they should avail 25 themselves of the standards, guidelines, and accepted practices</p>	<p style="text-align: right;">Page 173</p> <p>1 organizations have an responsibility to safeguard their 2 property and their businesses. As I state on Page 25, as 3 stated by ASIS International, every organization needs to 4 protect its assets, including people, property, and 5 information. So I think that answers your question where it 6 says every organization. I take that to mean every 7 organization, and that's published in an ASIS standard. 8 Q Do you know of a single property manager of a 9 multifamily property here in Atlanta that has ever read that 10 before? 11 A I do not. 12 Q But yet you hold them all to account to that? 13 Because you're now opining -- you say you are capable of 14 opining about a reasonable property manager, what they would 15 do, but you can't name for me a single property manager that 16 would -- that you can say ever follows or ascribes to what 17 you're saying; is that right? 18 A What I'm saying is a property manager who is 19 responsible for security. If a property manager is responsible 20 for security, I don't know where else they would get their 21 information from other than what I've cited here. And even the 22 National Apartment Association dictates that there are security 23 measures that should be in place to include when residents feel 24 secure in an apartment community, it motivates them to develop 25 a sense of belonging and loyalty to that community. It says</p>

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<p style="text-align: right;">Page 174</p> <p>1 the safety is among the five essential human needs outlined in 2 Maslow's hierarchy. This is from the National Apartment 3 Association. 4 So -- but when residents feel threatened, they 5 anxiously await the end of their leases hoping to find a secure 6 sanctuary elsewhere, which is what I believe we have here. And 7 this goes on to talk about notifying your residents of 8 incidents, no communication is worse. So even the National 9 Apartment Association is saying -- this is not from ASIS 10 International. This is from the National Apartment Association 11 saying security is very important and talks about the need to 12 put measures in place to include notifying residents. 13 Q And right now, all we're talking about are your 14 qualifications to say what a reasonable property manager would 15 do. Are you saying you printing that out and reading that 16 qualifies you as a property management expert? 17 A That's not what I'm saying. 18 Q Okay. So just so I'm clear, we'll just gather it all 19 up here. Despite -- let me as you this: Have you ever been 20 hired to perform -- well, actually, I think I already asked 21 that question. Are there any qualifications that you have to 22 be an expert to opine on what a reasonable property manager 23 would do that we have not explored today? Anything I'm 24 missing? 25 A Again, if we're talking specifically about security,</p>	<p style="text-align: right;">Page 176</p> <p>1 issues. We had standing meetings where we would interface 2 regularly with entities responsible for property management. 3 In the federal government, it's GSA. GSA and the US Marshals 4 Service work hand-in-hand. GSA is the property management 5 entity and the US Marshals Service provides security. 6 So I -- so to say that I have no experience and no 7 idea about property management, I would disagree with. I 8 interface regularly with property management and have. All 9 throughout my career and even to this day, when we do 10 vulnerability assessments for schools and we've done a church, 11 we've done a hospital, we've done government office buildings. 12 We've done different properties and the facility manager or 13 property manager is one of our main points of contact and 14 someone we have an ongoing dialogue with and we seek to 15 understand their needs and their challenges and their competing 16 interests and their budgetary restrictions. 17 You know, those are things that we all -- that we 18 delve into in great detail and talk about how security can, 19 number one, safeguard the property and the people, but you know 20 how it can compliment what they're doing and how it can work 21 hand-in-hand. 22 Q And actually just answered my question. I said as a 23 property manager and even if the government. So you have 24 never, as a property manager, weighed those competing interests 25 because you've never been a property manager?</p>
<p style="text-align: right;">Page 175</p> <p>1 we're talking about the security functions and my -- my 2 sentence there is very clear, sir. My sentence says, again, 3 I'll read it, I was asked to offer an opinion as to whether a 4 reasonable property manger who is responsible for security 5 should have been on notice of a dangerous condition due to 6 prior crime at Bedford Pines Apartments and I go on. So I'm 7 speaking specifically to the security component of their 8 responsibilities. I'm not talking about -- and I think I've 9 been incredibly clear but I'll say it again. 10 I'm not talking about all aspects of property 11 management. I'm just talking about the security function. If 12 a property management says we don't have a security 13 professional on staff, I'm the person responsible, security 14 rests with me, that's the part I'm speaking to. That's the 15 part I can offer an opinion on. The other thing -- the other 16 aspects of property management, I'm not. 17 Q But you have never balanced any of the competing 18 interests of a property in a property management role to 19 determine what reasonable security measures can and should be 20 implemented at any given property, have you? 21 A Well, I would disagree with that. You know, when I 22 worked at the federal courthouse I would regularly -- every 23 federal courthouse I've ever worked at, I would regularly 24 interface with the property manager. I would regularly 25 interface with building management and talk about security</p>	<p style="text-align: right;">Page 177</p> <p>1 A Well, you -- 2 Q No, it's very -- no. My question is what it is, the 3 record shows what it is. You just testified that you 4 interfaced with people who were actually property managers and 5 a number of different things. And just to be clear, you have 6 never, yourself, been the property manager who has ever made 7 those decisions? 8 A That's correct. 9 Q Did you rely on any property management standards or 10 accepted practices in reaching an opinion as to what a 11 reasonable property management would do? Let me be clear, I'm 12 not talking about security standards and accepted practices. 13 I'm talking about property management. 14 A No. 15 Q On Page 5, ahead of that sentence is the words 16 reasonably reduced. Do you see that? 17 A Yes, sir. 18 Q You used the word reduced because you agree with me 19 that no one can say it would have eliminated the likelihood of 20 the shooting of the plaintiffs, correct? 21 A With 100 percent certainty? 22 Q Yeah, I mean that's what it said. You used the word 23 reduced and that's because you cannot say it would have 24 eliminated it, right? 25 A Correct.</p>

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<p>1 Q Next page, Page 6. Would you agree with me that your 2 military service, that doesn't qualify you to provide your 3 opinion in this case?</p> <p>4 A Well, I would say my military service alone does not 5 qualify me to provide opinions in this case. But what I would 6 say is that I learned what reasonable layered security looked 7 like or should look like starting at 18 years old as a private 8 in the United States Army as an infantry soldier. One of our 9 functions was, you know, go out, hike into the jungle, hike 10 into the woods, hike into the desert, wet up a patrol base, put 11 security measures in place, layered security, put a plan 12 together, put a schedule for monitoring together. So these are 13 things -- you know, these are principles that go back many, 14 many years for me.</p> <p>15 They were instilled in me starting with my career in 16 the United States Army and then continued when I went to school 17 after I got out of the Army that I completed a bachelor's 18 degree in criminal justice and then went on to join the United 19 States Marshals Service.</p> <p>20 Q I understand all that. It's not a trick question. 21 If you say -- I'm going to have to get into all the military 22 and how that qualifies you to talk about this property 23 management, or you can just say it didn't have anything that 24 specifically bears on my qualifications to provide testimony in 25 this case. I get that everything you've ever done in your life</p>	<p>1 A So my work in the Marshals service involved 2 protecting courthouses, security plans for courthouse, 3 overseeing contract guard forces, doing risk assessments, 4 threat assessments, vulnerability assessments, bunk penetration 5 testing. One of the functions of the Marshals Service is to 6 protect courthouses, federal judges, Supreme Court justices, so 7 that's something I was involved in throughout my career. And 8 then my time here in Atlanta specifically involved in security 9 management for the four courthouses in the Northern District of 10 Georgia.</p> <p>11 Layered security plans, security assessments, 12 security training, something I did on an ongoing basis during 13 my time here in Atlanta. But all throughout my career, that is 14 something I was involved in, all the different duty stations I 15 worked in.</p> <p>16 Q Fair to say that the percentage of federal 17 courthouses that have a layered security plan is a whole lot 18 higher than the private businesses in Atlanta, Georgia, 19 correct?</p> <p>20 A I know that federal courthouses are required to. 21 Something I was trained and something I was required to 22 maintain and assess on an ongoing basis. I can't say whether 23 all businesses have them at the same percentage, but I can say 24 that all federal courthouses do.</p> <p>25 Q So you can't say here today whether 100 percent of</p>
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<p>1 has got you to the point here, but if you're going to tell me 2 that mu time in the Army -- again, a commendable thing to do -- 3 gives me specific basis to provide an opinion about an 4 apartment complex here in Atlanta, then I have to ask you about 5 it.</p> <p>6 A I'm not saying that in and of itself.</p> <p>7 Q I know that, but if it provides specific -- a 8 specific basis for your opinions here, the we're going to have 9 to get into it. I wouldn't think it was. I would think you 10 would just say no, it didn't. But if you're saying it does, 11 then we're going to get into it because I have to ask you how 12 that relates to the qualification specifically as it relates to 13 this case other than it just being general background that you 14 had in your life that taught you how to think, taught you how 15 to do stuff, but it's not specifically related. Is that --</p> <p>16 A Well -- sorry, you were asking?</p> <p>17 Q So you agree with me that your military service does 18 not qualify you to provide the opinions that you are giving in 19 this particular case?</p> <p>20 A I do.</p> <p>21 Q All right. Explain for me briefly -- you were 22 working for the federal government a long time, I'm sure you 23 did a whole lot of different things -- briefly what you work 24 for the Marshals Service qualified you to provide the specific 25 opinions that you are providing in this case?</p>	<p>1 the businesses in the city of Atlanta have a layered security 2 plan?</p> <p>3 A Well, I can say that they do not.</p> <p>4 Q Exactly. That's -- it's pretty simple. You just 5 said you couldn't say?</p> <p>6 A Yeah, I can't -- you're saying is it the same 7 percentage.</p> <p>8 Q Yeah. The answer --</p> <p>9 A It is not.</p> <p>10 Q Correct, that's the answer. You just didn't tell me 11 they answer. And is it your position that every business in 12 the city of Atlanta should have a layered security plan that is 13 created by a qualified security professional?</p> <p>14 A I think it depends on a number of factors. The 15 extent of which -- I think -- well, let me say a couple of 16 things.</p> <p>17 Q It's really a yes or no and then you explain on that.</p> <p>18 A Okay. It's not a yes or no. What I would say is, 19 again, going back to the standards that ASIS puts out, every 20 organization needs to secure its assets. It needs to secure 21 its property, it needs to secure its people. Now, that can 22 take on various forms. It can have -- and that's going to be, 23 again, informed by how much crime takes place there. It's 24 largely informed by what are the risks and that's the 25 methodology that I utilize here that is outlined by the IPSC is</p>

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<p>1 what -- what risks do we have present? What are the threats 2 facing the property? What are the threats facing the tenants? 3 Do we have a history of violent crime shootings? 4 If we do, then yes, those measures are needed. If 5 there is no history of crime, if they're having no issue 6 whatsoever, I would still argue that they should have some 7 level of a plan. They should have some -- their employees 8 should be aware things like workplace violence because that 9 penetrates all industries. So to do things like workplace 10 violence awareness training, to do things like active shooter 11 prevention and response training, that cuts across every 12 industry and that cuts across every business. We see that 13 happening at all types of different workplaces. So that's 14 something that -- and there's actually legislation in states 15 now that's coming out talking about the need for that for every 16 organization. 17 So -- so that said, I mean every -- to answer your 18 question, every business should have something. If you're 19 going to be a business owner, you should do something to 20 safeguard your property, to safeguard people. Now, how robust 21 is that plan? That's going to depend on how much crime you're 22 experiencing. 23 Q You agree that anyone who has never heard of ASIS 24 International is not going to know about its standards, right? 25 A Yes.</p>	<p>1 A To be a member of ASIS? 2 Q Yes. 3 A I'd have to look. I don't recall you have to be a 4 security professional to be a member. To be certified through 5 ASIS, you do, but to join ASIS, I would have to look to be 6 honest. 7 Q All right. Micah -- Michael Silva, there is a 8 publication you cite here. 9 A I do. 10 Q Is that a book? 11 A It is. 12 Q Says that he has conducted security assessments for 13 over 1000 individual multifamily housing complexes throughout 14 the United States. Do you see that? 15 A I do. 16 Q So he has conducted over 1000 individual multifamily 17 housing complexes assessments more than you have? 18 A He has. 19 Q Reading a book from somebody who may be qualified 20 does not make you qualified to opine on things, you would agree 21 with that, correct? 22 MR. BOUCHARD: Object to form. 23 BY MR. CLAYTON 24 Q Just asking a general statement. 25 A In general, if you read a book, does that make you</p>
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<p>1 Q And you don't know if the average property manager in 2 the city of Atlanta knows about ASIS, do you? 3 A I do not know if the average property manager knows 4 about ASIS, that is a true statement. 5 Q In your work at the fugitive task force, would you 6 agree that, in general, career criminals act differently with 7 different motivations than just normal, regular people do? 8 A Yes. 9 Q All right. So moving on to Page 23. You say, in the 10 second bullet point, ASIS International is a global community 11 of security practitioners. Do you see that? 12 A Yes, I do. 13 Q In order to be in ASIS, do you have to have certain 14 qualifications? 15 A To be a member? 16 Q Yes. 17 A You do not. 18 Q So does it extend beyond security practitioners then, 19 into other people who are part of it? 20 A Yeah, there are -- people who are involved in ASIS, 21 yeah. I know attorneys who are involved in ASIS. 22 Q That are members of it? 23 A I believe so. 24 Q So there is no requirement to have any security 25 background to be in ASIS?</p>	<p>1 qualified? 2 Q Yes. 3 A Reading one book and nothing else? 4 Q Yes. 5 A Agreed. 6 Q Okay. So by virtue of reading Michael Silva's 7 publication, you are not somehow -- don't take in all of his 8 expertise that he did in conducting the actual multifamily 9 housing security assessments, correct? 10 A Correct. 11 Q Have you talked to Michael Silva about this case? 12 A I have not. 13 Q Have you ever talked to Michael Silva at all? 14 A I have, yes. 15 Q This book that you're mentioning, it's not a 16 peer-reviewed book, is it? 17 A It is not. 18 Q It is simple what Michael Silva wrote about his 19 experiences, I guess, in the industry? 20 A Yes, sir. 21 Q Michael Silva is not the standard of care in the 22 industry of multifamily properties, is he? Just a guy who 23 wrote a book? 24 A Michael Silva himself is not the standard of care. 25 Q So -- but would you say that Michael Silva is much</p>

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<p>1 more qualified to speak on behalf of multifamily housing</p> <p>2 complex assessments than you are?</p> <p>3 A Well, number one, Michael Silva is a ASIS certified</p> <p>4 protection professional, as I am. Michael Silva has</p> <p>5 specialized in multifamily housing complexes. That's what he's</p> <p>6 dedicated the majority of his career to. So from that</p> <p>7 standpoint, he's well-qualified. Have I, you know -- would --</p> <p>8 is there value in someone coming from other sectors and other</p> <p>9 industries looking at multifamily housing complexes that might</p> <p>10 see something? Yes, there is. Just like our firm had never</p> <p>11 done a hospital before.</p> <p>12 Nobody in our firm had ever worked at a hospital</p> <p>13 before, but when we did a vulnerability assessment at a</p> <p>14 hospital, they said you've pointed out things we never even</p> <p>15 thought of. You're seeing things that have ever been pointed</p> <p>16 out to us before. You're bringing a fresh set of eyes and a</p> <p>17 fresh perspective to this based on your experience elsewhere in</p> <p>18 other industries and they were very appreciative of that. So</p> <p>19 -- so just because you haven't done 1000 multifamily housing</p> <p>20 complexes doesn't mean you're not qualified. Michael Silva</p> <p>21 certainly is a very qualified professional. I am a qualified</p> <p>22 professional as well, sir.</p> <p>23 Q But he's -- but he at least has done some security</p> <p>24 assessments for multifamily housing complexes --</p> <p>25 A Oh, he's done a great number.</p>	<p>1 access control on the doors to the buildings out there, right?</p> <p>2 Locks? If you don't how, you can just say I don't know.</p> <p>3 A No, I don't -- I don't have any reason to believe</p> <p>4 there were not locks on the doors.</p> <p>5 Q Okay. So there was some form of access control out</p> <p>6 there, right?</p> <p>7 A I have no reason to believe there wasn't, sir.</p> <p>8 Q All right. Visible security measures such as</p> <p>9 cameras, we know that those were out there, correct?</p> <p>10 A We do.</p> <p>11 Q Fences, we know that those were out there, correct?</p> <p>12 A Yes.</p> <p>13 Q So that's other layers of security that were out</p> <p>14 there, correct?</p> <p>15 A Those are security measures that were in place, but</p> <p>16 when we talk about layered security, we're talking about</p> <p>17 security that's part of a plan as I talked about earlier. To</p> <p>18 say I put up cameras, now I have layered security or, you know,</p> <p>19 I have a lock on the door, now I have layered security, what</p> <p>20 I'm speaking of and what this is speaking of and what I say</p> <p>21 specifically with this framework in mind and effective layered</p> <p>22 security system employs seven functions in a complimentary and</p> <p>23 orchestrated manner. To say I put up one of these or I put up</p> <p>24 two of these, therefore I have layered security, I would</p> <p>25 disagree with.</p>
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<p>1 Q I don't see on your list here that you have any</p> <p>2 Atlanta, Georgia property management organizations?</p> <p>3 A Correct.</p> <p>4 Q Okay. Or low-income housing organizations or</p> <p>5 manuals, you didn't cite to any of those, did you?</p> <p>6 A Uh-uh. No, sir.</p> <p>7 Q Is Amy Thomas a security professional?</p> <p>8 A Not to my recollection, sir.</p> <p>9 Q Or Alana Robinson?</p> <p>10 A I'm looking for their testimony where that speaks</p> <p>11 specifically to that point, but -- which I believe there is</p> <p>12 testimony that does. But to answer your question, no.</p> <p>13 Q All right. Going on to Page 25, labeled poor concept</p> <p>14 layered security. Do you see that?</p> <p>15 A I do.</p> <p>16 Q And there's certain headings down there below and</p> <p>17 then there's bullet points underneath; is that right?</p> <p>18 A Yes, sir.</p> <p>19 Q Are the things in the bullet points, are those layers</p> <p>20 of security that go into layered security?</p> <p>21 A They are.</p> <p>22 Q All right. So when we were talking a long, long time</p> <p>23 ago and I asked you if there were any layers of security out</p> <p>24 there in June of 2020 and you said you weren't sure. So</p> <p>25 let's -- looking at your list here, just looking, there were</p>	<p>1 Q I'm using -- maybe it's because I'm using the word in</p> <p>2 the generally accepted manner. Layer means more than one. So</p> <p>3 you agree with me that Wingate had in place -- there's seven</p> <p>4 here, more than one in these categories out there?</p> <p>5 A They had elements that are listed here.</p> <p>6 Q Okay.</p> <p>7 A But nowhere in the testimony does it say they had</p> <p>8 layered security. Nowhere does it say we had a plan that</p> <p>9 included layered security. Nowhere does it say we employed a</p> <p>10 layered security strategy. So to say, oh, they had layered</p> <p>11 security or they put layers in place, I would disagree with</p> <p>12 that. Are there things on here that happened not because they</p> <p>13 were done in an effective layered security system which</p> <p>14 employed seven functions in a complimentary and orchestrated</p> <p>15 manner? They did not.</p> <p>16 Q So --</p> <p>17 A Did they have certain components like lighting? I</p> <p>18 mean, to follow your logic to saw well, they had lighting so</p> <p>19 they had layered security, I would again disagree. They had</p> <p>20 certain components, yes.</p> <p>21 Q So if they didn't -- we can agree that you have not</p> <p>22 seen a document that has -- that's title layered security plan,</p> <p>23 right?</p> <p>24 A That's correct, sir.</p> <p>25 Q So you're saying without such a document or one that</p>

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<p style="text-align: right;">Page 190</p> <p>1 says security vulnerability assessment, they could not -- they</p> <p>2 did not, by definition, your definition, have a layered</p> <p>3 security plan?</p> <p>4 A I'm saying they didn't have a reasonable layered</p> <p>5 security plan.</p> <p>6 Q Okay. So are we now back to agreement that they did</p> <p>7 have a layered security plan, it just wasn't reasonable?</p> <p>8 A I don't know if I can agree with that, sir. They had</p> <p>9 -- they had elements. They certainly had some elements, but to</p> <p>10 say that this was part of a plan, I haven't seen the plan</p> <p>11 you're speaking of. And to call it a layered security plan,</p> <p>12 I -- for me that's connecting dots that aren't there. To say</p> <p>13 we had certain elements in place, okay, maybe they had certain</p> <p>14 elements in place, but if they're not working cooperatively, if</p> <p>15 they're not integrated in a plan, that's where we get the term</p> <p>16 layered security plan when things are integrated and working in</p> <p>17 a complimentary and orchestrated manner.</p> <p>18 Q So if you could, just for me, define layered security</p> <p>19 plan. I'm just -- you don't -- I'm just trying to understand</p> <p>20 because I understand that these seven things and I understand</p> <p>21 this little quote up here, but you and I are still not quite</p> <p>22 connecting on exactly what a layered security plan in your</p> <p>23 terminology is.</p> <p>24 A Well, it's laid out in a few different places here.</p> <p>25 Q The definition is? So like a discrete definition of</p>	<p style="text-align: right;">Page 192</p> <p>1 Q Go ahead.</p> <p>2 A ASIS reinforces -- and I'm at the top of 26. ASIS</p> <p>3 reinforces this concept in stating a wide variety of measures,</p> <p>4 a menu of options can be employed in a physical security</p> <p>5 strategies -- in a physical security strategy. These measures</p> <p>6 are the components of a physical security strategy and should</p> <p>7 be applied in a building block fashion as parts of various</p> <p>8 layers of security. The selection of security measures for a</p> <p>9 site should cover all of these functions. So when we talk</p> <p>10 about, you know, what layered security is, it's starting with</p> <p>11 the vulnerability assessment and then these building blocks on</p> <p>12 top of it that are well establish and well laid out in my</p> <p>13 report.</p> <p>14 Q So you can't have a layered security plan unless you</p> <p>15 have a formal vulnerability assessment conducted?</p> <p>16 A You can't have a reasonable layered security plan.</p> <p>17 You can't reasonable layered security unless you do it in this</p> <p>18 fashion.</p> <p>19 Q All right. So let's talk about access control</p> <p>20 because I just want to talk about the different elements. Do</p> <p>21 you know the number of buildings Bedford Pines had in June</p> <p>22 2020?</p> <p>23 A Off the top of my head, no. I have a map. I could</p> <p>24 count.</p> <p>25 Q It's several dozen. We can we agree it was multiple</p>
<p style="text-align: right;">Page 191</p> <p>1 what it is?</p> <p>2 A I'm sorry?</p> <p>3 Q A discrete definition of what -- like the term</p> <p>4 layered security plan is defined somewhere in here?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. Show me -- just point me to the quote so I</p> <p>7 can --</p> <p>8 A Page 26, property management responsibility, security</p> <p>9 assessments, plans, policies, and procedures. Properly</p> <p>10 implementing a layered security approach includes having a</p> <p>11 physical security assessment/vulnerability assessment completed</p> <p>12 by a qualified security professional. According to ASIS</p> <p>13 International, a physical security assessment is the</p> <p>14 examination and evaluation of an organizations facilities, its</p> <p>15 policies, procedures, operations to ascertain its present</p> <p>16 status, identify deficiencies or access, determine the level of</p> <p>17 protection needed and make recommendations to improve the</p> <p>18 overall security of the operation.</p> <p>19 So as I -- as I've seen a few times, if you start</p> <p>20 with a vulnerability assessment, a layered security plan can be</p> <p>21 built on top of that in this manner that's laid out. And it</p> <p>22 goes into great detail, my report goes into great detail as to</p> <p>23 what that looks like.</p> <p>24 Q Yes, but --</p> <p>25 A And if I could finish, sir.</p>	<p style="text-align: right;">Page 193</p> <p>1 dozens?</p> <p>2 A On Page 68 of my report, I have a map and it shows</p> <p>3 the location of every building.</p> <p>4 Q And so we can agree it's multiple dozens?</p> <p>5 A Thereabouts, yes.</p> <p>6 Q And we already talked about it, but these buildings</p> <p>7 were not continuous, correct?</p> <p>8 A Yes.</p> <p>9 Q Do you understand how old these buildings were?</p> <p>10 A I don't know exactly how old, but I know they're old.</p> <p>11 Q Some were nearly 100 years old and located in a</p> <p>12 historic district?</p> <p>13 A Yes.</p> <p>14 Q Have you done anything to determine what would be</p> <p>15 appropriate access control at the Bedford Pines buildings?</p> <p>16 A Well --</p> <p>17 Q I'm asking if you've done that work or you can just</p> <p>18 say we didn't do it.</p> <p>19 A Right. That would be part of a vulnerability</p> <p>20 assessment.</p> <p>21 Q Okay. So let me -- again -- so did you determine</p> <p>22 what would be appropriate access control at the Bedford Pines</p> <p>23 buildings?</p> <p>24 A No.</p> <p>25 Q So you can't say, as you sit here today, whether in</p>

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<p>1 fact the access control itself employed there was adequate or 2 not? 3 A Well, as it relates to what? Just in general? 4 Q Just in general. If you don't know what it should 5 have been, you can't say what they were doing was not correct. 6 Just as it pertains to access control only? Not the bigger 7 picture, just to that? 8 A Well, what I can say is access control is a 9 reasonable security measure. I understand with a scattered 10 site like this it's very challenging and I also understand that 11 it was recommended and, in fact, done to have some buildings on 12 the north block demolished and rebuilt, hopefully with proper 13 access control. So to implement access control could have -- 14 and in fact did in this circumstance -- require knocking down 15 certain buildings and redesigning the way they -- the way they 16 function. 17 Q So are you saying that the standard of care required 18 that a business owner in Georgia is to knock down building and 19 rebuild them for access control purposes? 20 A No, what I -- my opinions are laid out. We've 21 already discussed my opinions. 22 Q I understand that, but you haven't -- when you bring 23 up to demolishing, now we're going to have to go to this other 24 thing because I -- if you're saying that it applies to Bedford 25 Pines, it applies to every business owner in the city of</p>	<p>1 about -- I'm not asking you for you tell me what they said. 2 All I care about is what you said. Because if you say yes, 3 we're going to go down this rabbit hole right now. And if you 4 say no, I am not a redevelopment expert or a demolition expert 5 or a HUD expert or a city code expert or actually all of the 6 above, I don't plan on testifying about that, then we can just 7 move on. So do you plan to offer such an opinion in this case? 8 MR. BOUCHARD: Object to form. 9 BY MR. CLAYTON 10 Q And again, it doesn't matter to me what anybody else 11 said. I'm asking you if that's your expert opinion. 12 A Well, my opinion is informed by the testimony and the 13 documentation I receive. 14 Q You can read a doctor's report of how the bullet went 15 into somebody's body, you are not a medical doctor and will not 16 be providing medical testimony. I'm not asking you parrot back 17 what somebody said. I don't see in your opinions here that 18 they should have torn this down and that we now need to talk 19 about the feasibility of doing that. So very plainly, would 20 you plan to opine to opinions outside of your report that 21 Wingate should have demolished these buildings on a date 22 certain and that that would have impacted this shooting? 23 A So what I was referring to, sir, was the letter 24 addressed to Debra A. Newman, resolution specialist, US 25 Department of Housing and Urban Development dated May 19th,</p>
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<p>1 Atlanta and the state of Georgia because it's not this case, 2 the standard is the standard, right? You would agree with me 3 that demolition of property and then forcibly rebuilding is not 4 required of any business owner in the state of Georgia? 5 A Well, I would say it depends. If one cannot secure 6 their property, if you're having lots of issues with crime, 7 specifically violent crime, with shootings, then access control 8 is an important component of layered security. And if the way 9 your facility currently sits, as happened here, sir -- if the 10 way your facility is currently designed doesn't allow for that, 11 sometimes a redesign is necessary and we've advised clients of 12 that. We've advised clients that, okay. the way you have 13 things situated need to be changed. 14 We need to move some things, some things need to be 15 knocked down or rebuilt from here to here to put reasonable 16 access control in place to safeguard your personnel. So the 17 answer to your question is it depends. If you have an 18 extensive history of crime and you can redesign your facility 19 to safeguard against that crime, that could certainly be a 20 reasonable measure. 21 Q Well, I'll just ask you point-blank: Are you going 22 to opine that Bedford Pines should have torn down one or more 23 of these buildings on a certain date prior to this incident? 24 A Well, they themselves said that, sir. 25 Q They did not say that. And again, I'm not asking you</p>	<p>1 2020, less than two months prior to the incident. The subject 2 property requested that some of the buildings in the north 3 block, 623 Parkway Drive, 633 Parkway Drive, and 639 Parkway 4 Drive be demolished in order to mitigate security concerns. 5 The letter goes on to read there have been security 6 issues along the north block generally, including loitering, 7 drug related activity, violence, and break-ins at both 8 properties owned by affiliates of Wingate, at other properties 9 nearby, and in public areas. Wingate has taken measures to 10 mitigate these issues, including engaging a third-party private 11 security company and off-duty Atlanta Police Department 12 officers to patrol and monitor the area. They also monitor the 13 lighting, locks, and alarms to eliminate break-ins and other 14 security issues. 15 Despite these efforts, security is still a concern in 16 the area and Wingate is hopeful that demolition of the 17 buildings prior to the redevelopment of Boulevard North will 18 help alleviate some of these issues and make the community 19 safer. So that's what was referring to, sir, is that they 20 themselves suggested demolition and that helped inform my 21 opinions that we've already discussed. 22 Q Okay. Again, that's not my question. Because do you 23 know why they sent that letter to HUD? 24 A Well, I -- 25 Q No, do you know why?</p>

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<p>1 A I just read what the letter says.</p> <p>2 Q Exactly. So -- but what was the motivation -- were</p> <p>3 they required to send it to HUD? I mean, tell me about the HUD</p> <p>4 rules and regulations that govern demolition of low-income</p> <p>5 housing.</p> <p>6 A I do not know.</p> <p>7 Q Okay. So going back to -- because I already said</p> <p>8 before you read -- found that and read it that I didn't care</p> <p>9 about what that was. My question is: Do you plan to provide</p> <p>10 an opinion which would now be outside the scope of the opinions</p> <p>11 you've set forth in your report that Wingate, if it had acted</p> <p>12 reasonably, would have torn down one or more buildings before</p> <p>13 this shooting had happened?</p> <p>14 A No.</p> <p>15 Q Okay.</p> <p>16 A Is it possible to take another break?</p> <p>17 Q Sure.</p> <p>18 THE VIDEOGRAPHER: Off the video record at 4:22 p.m.</p> <p>19 (BREAK TAKEN)</p> <p>20 THE VIDEOGRAPHER: Back on video record at 4:33 p.m.</p> <p>21 BY MR. CLAYTON</p> <p>22 Q You have no specific opinions about what type of</p> <p>23 fencing styles, locations, anything like that should have been</p> <p>24 out on the subject property because you haven't performed a</p> <p>25 security assessment, correct?</p>	<p>1 A I don't recall one way or another.</p> <p>2 Q Okay. Wingate had signs on the building alerting</p> <p>3 people of the presence of cameras, correct?</p> <p>4 A I don't know.</p> <p>5 Q But that would be a good security measure to put --</p> <p>6 put up cameras and then alert people that there are cameras in</p> <p>7 the area, correct?</p> <p>8 A Yes, it would.</p> <p>9 Q Okay. In this case, there was a fence on the</p> <p>10 property where the plaintiffs were standing behind the fence</p> <p>11 towards the building, right?</p> <p>12 A Yes, sir.</p> <p>13 Q And there's no type of fencing that could have been</p> <p>14 feasible out there that you specifically looked into that would</p> <p>15 have prevented this incident, correct?</p> <p>16 A Correct.</p> <p>17 Q Now, you are aware that Wingate and Plaza did, in</p> <p>18 fact, attempt to hire and did hire armed security guards to</p> <p>19 fill out some of its patrol coverage, correct?</p> <p>20 A Are you referring to the Defender Group?</p> <p>21 Q I am.</p> <p>22 A Yes.</p> <p>23 Q And you're aware from the testimony that was over</p> <p>24 Plaza Security's recommendation that they not do that? Is that</p> <p>25 your understanding? If you say you don't know one way or the</p>
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<p>1 A Yes, sir.</p> <p>2 Q Yes, I'm correct?</p> <p>3 A Yes, you are correct, sir. I do not.</p> <p>4 Q And you also don't know what any Atlanta, Fulton</p> <p>5 County, state of Georgia, Belt Line, historic district</p> <p>6 requirements for any fencing or anything like that, do you?</p> <p>7 A I do not.</p> <p>8 Q You don't have an opinion that some sort of access</p> <p>9 control measures, specific one, had it been implemented would</p> <p>10 have prevented this incident, do you?</p> <p>11 A I do not.</p> <p>12 Q All right. Deterrence is the next category. We've</p> <p>13 already talked about -- do you know the specific number of</p> <p>14 functioning Georgia Power cameras in the vicinity of the</p> <p>15 shooting?</p> <p>16 A I do not.</p> <p>17 Q But we know it was caught from multiple angles,</p> <p>18 right?</p> <p>19 A It was.</p> <p>20 Q And we also have a camera that was across the street</p> <p>21 at a neighboring property that then caught it as well, right?</p> <p>22 A Correct. Not in its entirety, but yes, it was caught</p> <p>23 from different angles, different pieces of it, yes.</p> <p>24 Q I think the one across the street has it in its</p> <p>25 entirety it's just a sped up version of it.</p>	<p>1 other, that's fine.</p> <p>2 A I don't recall that it was -- if you're saying was it</p> <p>3 contrary to what Plaza recommended?</p> <p>4 Q Plaza recommended that they not go try armed</p> <p>5 security, but they did it anyway?</p> <p>6 A There is deposition testimony about Plaza</p> <p>7 recommending against armed security. I don't remember if they</p> <p>8 recommended against the Defender Group, specifically. I do</p> <p>9 recall that the Defender Group was subcontracted by Plaza. So</p> <p>10 in other words, they were Plaza Security's employees, not</p> <p>11 Wingate's employees. But I don't recall if they said, you</p> <p>12 know, you ought not do this.</p> <p>13 Q And have you ever heard of the Defender Group or ever</p> <p>14 dealt with them?</p> <p>15 A I have not.</p> <p>16 Q Any reason to think they're not a reputable company?</p> <p>17 A I do not.</p> <p>18 Q And ultimately, that armed security company did not</p> <p>19 want to take on liability down there. Is that your</p> <p>20 understanding?</p> <p>21 A I -- I don't have a clear understanding as to what</p> <p>22 happened. What -- what I have in my report -- yes, I don't</p> <p>23 recall specific testimony about why that ended so abruptly or</p> <p>24 after such a short period of time, roughly three weeks is what</p> <p>25 I have in my report. Yes, I'm not sure.</p>

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<p>1 Q Okay. Now, obviously Wingate brought on Plaza 2 Security, correct? 3 A Yes, sir. 4 Q And Plaza Security attempted to hire out of 5 jurisdiction officers to fill coverage gaps as well. Is that 6 your understanding? 7 A That they were hired by Plaza or they were hired by 8 Wingate. 9 Q That Plaza was trying to recruit them to hire them 10 either for themselves or for Wingate? 11 A I do remember testimony about that, yes. 12 Q So -- and the record has many instances of where 13 Wingate is attempting to get additional coverage for off-duty 14 APD officers at the property, correct? 15 A Yes. 16 Q It -- and they way to say it is, at times, there 17 weren't officers to do it for any number of reasons in this 18 particular time period, but it wasn't a lack of trying by 19 Wingate that resulted in a lack of coverage for some shifts, 20 correct? As it pertains to APD? 21 A I can say that efforts were made. The extent of 22 those efforts I can't speak to, but I do agree that efforts 23 were made to get additional off-duty Atlanta police officers to 24 work there. 25 Q Now, Plaza Security was brought in to provide</p>	<p>1 the services that they provided did not meet the standards that 2 I cite in my report and the guidelines and accepted practices. 3 Q Do you recall how Wingate ended up hiring Plaza 4 Security? 5 A I do not. 6 Q Do you know David Sawyer? 7 A I do not. 8 Q Are you familiar with Safer Spaces? 9 A I am not. Is that -- well, unless that's Dottie 10 Davis. 11 Q No, different person. 12 A Okay. 13 Q Would a certified protection professional through 14 ASIS with 37 years of experience and over 30 years when he 15 helped here, would that be someone who is qualified to make 16 recommendations to Wingate about security professionals? 17 A Generally speaking, they should. I can't say that 18 they did. I can't speak to, you know, the soundness of their 19 recommendations. But generally speaking, someone with the 20 qualifications you stated should. 21 Q Okay. So -- and Wingate should be able to rely on 22 any certified protection professional through ASIS 23 International for their recommendations about security needs? 24 A Well, it's -- it's more complicated than that. It's 25 the certifications are important, as I've stated, but if --</p>
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<p>1 security assistance at the premises, correct? 2 A No, sir. 3 Q They were provided -- you don't think that what they 4 were doing was to provide assistance with security at the 5 premises? 6 A Well, I guess it would depend on what you mean by 7 assistance with security. I thought your question was they 8 were there to provide security. 9 Q I don't have -- I'm not defining any of these words. 10 I'm talking in the colloquial way of Plaza Security was brought 11 on by Wingate to help them with security of the premises? 12 A With security efforts at -- 13 Q Yes. 14 A Agreed. 15 Q Okay. If there is a small wording thing there, then 16 please, by all means, ask questions or do that because I'm not 17 trying to -- it's not a loaded question. Is it fair to say 18 that you do not believe Plaza Security was competent to perform 19 those tasks? 20 A So I'm trying to find the section in my report. Bear 21 with me. So the way I would answer that is the documentation 22 I've reviewed reflects that the efforts that they were made -- 23 or the efforts that they made did not meet the standards that I 24 cite here. The -- I would not -- if you're asking me were they 25 incompetent, that's not what I'm saying. What I am saying is</p>	<p>1 before a client hires us, they don't just look at our 2 certifications and hire us because lots of different companies 3 and lots of security consultants have the same certifications. 4 What they look at or what they should look at is your 5 recommendations, your references, your history of performance, 6 your methodology, your approach, there are a host of things 7 that should be examined. 8 Q So to be clear, you're saying that a company that is 9 not security professionals, that is a property management 10 company, that hires an individual with over 30 years of 11 security experience who is a certified protection professional 12 through ASIS International, that they should somehow then do 13 something else beyond relying on that person for security 14 recommendations? 15 A No, no, no. I misunderstood the question. 16 Q I'm asking if Wingate, a property management company, 17 should be able to rely on somebody with 30 years of experience 18 who's been a certified protection professional with ASIS 19 International for that 30 years to provide them with 20 recommendations about what to do. 21 A If they vetted that person, called references, things 22 of that nature, talked to them, met with them, listened to 23 their methodology and approach and, if that was all sound, then 24 yes. 25 Q So -- and again, you're not a property management</p>

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<p>1 expert. Are you saying that property management companies must</p> <p>2 phone references of 30 year certified protection professionals</p> <p>3 through ASIS International before they can be hired?</p> <p>4 A I'm saying they should. I think that would be a</p> <p>5 reasonable step to phone references of anybody you hire or</p> <p>6 anybody you bring in as a consultant. Certainly people check</p> <p>7 my references all the time.</p> <p>8 Q So, but again, if -- if Wingate did that in order to</p> <p>9 enhance its security, you would say that's a good thing to do</p> <p>10 to reach out to a certified protection professional through</p> <p>11 ASIS International?</p> <p>12 A Yes.</p> <p>13 Q Okay. But you -- and then they should go -- you</p> <p>14 know, listen to them, engage with them back and forth about</p> <p>15 recommendations, right?</p> <p>16 A Of course.</p> <p>17 Q And then ultimately, if that certified protection</p> <p>18 professional through ASIS International for over 30 years,</p> <p>19 says -- gives recommendation, Wingate should follow it, right?</p> <p>20 A It would depend because I would need to know a lot</p> <p>21 more.</p> <p>22 Q Well --</p> <p>23 A I would need to know more specifics about the</p> <p>24 recommendation because clearly there are certified protection</p> <p>25 professionals that disagree with me and my opinions. I've had</p>	<p>1 obviously they didn't stand out to you as anything that you</p> <p>2 disagreed with when you were going through the record because,</p> <p>3 if they did, you would have flagged it, correct?</p> <p>4 MR. BOUCHARD: Object to form.</p> <p>5 BY MR. CLAYTON</p> <p>6 Q What would you flag anything, any criticisms of any</p> <p>7 other certified protection professionals that you had seen in</p> <p>8 any of the records that you reviewed?</p> <p>9 A Well, what immediately -- what immediately comes to</p> <p>10 mind, sir, is did that certified protection professional</p> <p>11 perform a vulnerability assessment because that's something I</p> <p>12 haven't seen. So that would be a question mark is why, if they</p> <p>13 engaged a certified protection professional, why did he not</p> <p>14 conduct a vulnerability assessment. And if he did conduct a</p> <p>15 vulnerability assessment, why was that not provided to me.</p> <p>16 Q That's not my question. My question is, when you</p> <p>17 reviewed the records -- because you've had them for six months</p> <p>18 now, you've billed over \$30,000, if you had seen anything that</p> <p>19 you criticized about David Sawyer when you went through the</p> <p>20 records, that would be in your report, correct?</p> <p>21 A It may, it may not.</p> <p>22 Q Okay. So you certainly don't have any opinions about</p> <p>23 it because any opinions you have would be in your report as</p> <p>24 required by the federal rules, right?</p> <p>25 A With regard to David Sawyer?</p>
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<p>1 that in other cases. So I would have to know a lot more. I</p> <p>2 would have to understand a lot more before I -- I can't say</p> <p>3 carte blanche if someone with 37 years of experience and a CPP</p> <p>4 says do this, you should do this. I can't say that. What I</p> <p>5 can say is there should be some due diligence involved before</p> <p>6 following the recommendation because, again, I have seen --</p> <p>7 there are people in this industry that I disagree with.</p> <p>8 Q And that's fine. You've had over six months of being</p> <p>9 involved in this case, right?</p> <p>10 A Thereabouts.</p> <p>11 Q You've billed over \$30,000 in this case, right?</p> <p>12 A I have.</p> <p>13 Q So the information that I'm asking about now is</p> <p>14 related to this case and the records that you reviewed in this</p> <p>15 case. Do you have any criticisms of any of the interactions</p> <p>16 between Wingate Management Company and David Sawyer, the</p> <p>17 certified protection professional as it pertains to</p> <p>18 recommendations in this case about security at this property?</p> <p>19 MR. BOUCHARD: Object to form.</p> <p>20 THE WITNESS: Specific -- I don't recall specific</p> <p>21 recommendations by David Sawyer. Yeah, I would need -- I</p> <p>22 would need to see his recommendations to give you a better</p> <p>23 answer.</p> <p>24 BY MR. CLAYTON</p> <p>25 Q Okay. And you have those in your possession, so</p>	<p>1 Q Yes.</p> <p>2 A Correct.</p> <p>3 Q And with regard to Wingate's engagement of a</p> <p>4 certified protection professional?</p> <p>5 A I have --</p> <p>6 Q Which David Sawyer is?</p> <p>7 A Without knowing any more details, I have no criticism</p> <p>8 of their engagement of David Sawyer given the qualifications</p> <p>9 you stated. What I would need to see is his work product to</p> <p>10 say whether I agreed or disagreed with his recommendations. I</p> <p>11 would need to see his vulnerability assessment. I would need</p> <p>12 to see his proposal. I would need to -- what we prepared in</p> <p>13 every case, which is the vulnerability assessment along with</p> <p>14 recommendations for mitigating security risks. That I haven't</p> <p>15 seen.</p> <p>16 Q Now, getting back to Plaza Security, do you know how</p> <p>17 they became engaged -- how Wingate decided to select them to</p> <p>18 provide security efforts or efforts with security at the</p> <p>19 property?</p> <p>20 A I don't recall specifically, no.</p> <p>21 Q So you don't have any criticisms of how they selected</p> <p>22 Plaza Security to become engaged to assist with security at the</p> <p>23 property?</p> <p>24 A I don't understand the question.</p> <p>25 Q You don't have any criticisms of the process they</p>

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<p>1 went through where they ultimately selected Plaza Security to</p> <p>2 assist with security at the property?</p> <p>3 A I don't remember seeing a process. I don't remember</p> <p>4 seeing an RFP that went out. So the -- so what I would</p> <p>5 criticize is I haven't seen a process that I can criticize.</p> <p>6 Q There is records of that in the materials you</p> <p>7 reviewed.</p> <p>8 A Okay. I would like to see them again.</p> <p>9 Q Okay. By all means, you can -- you can do that on</p> <p>10 your own time. But if there were any criticisms of it, it</p> <p>11 would be in your report as required, right?</p> <p>12 A Well, my opinions are in my report, but there could</p> <p>13 be other things that you're referring to. If you're going to</p> <p>14 show me -- if you're going to say he made recommendations, I</p> <p>15 would want to see those recommendations. If you're asking me</p> <p>16 to agree with recommendations that I don't recall or that I</p> <p>17 haven't seen, I would like to see them.</p> <p>18 Q No. I mean, you have seen them. I'm asking if you</p> <p>19 have any criticisms, as we sit here today, of the process that</p> <p>20 led to the selection of Plaza Security to provide assistance</p> <p>21 with security at the property?</p> <p>22 A Not that I recall, sir.</p> <p>23 Q Now, you agree that we talked about off-duty officers</p> <p>24 before and some general things, but just some benefits of</p> <p>25 having off-duty APD officers, paying them to help with crime in</p>	<p>1 resources in a different manner than just a civilian who is not</p> <p>2 a deputized law enforcement officer, correct?</p> <p>3 A Yes, sir.</p> <p>4 Q Did you consider in your analysis at all the specific</p> <p>5 polices shortages that Georgia and Atlanta was facing in June</p> <p>6 2020?</p> <p>7 A I -- yes and no I guess is the best answer I can give</p> <p>8 you, sir. Am I aware that that was an issue? Yes. Did that</p> <p>9 give -- did that allow the property to not provide reasonable</p> <p>10 security? No.</p> <p>11 Q Kareem Valani, in his report in this case, provides</p> <p>12 some statistics about that. You have not seen that report,</p> <p>13 right?</p> <p>14 A I have not.</p> <p>15 Q Have you run any statistics on that that could better</p> <p>16 inform your opinions in this case?</p> <p>17 A A --</p> <p>18 Q Not run the statistics, look them up, I would say.</p> <p>19 Like have you -- so Mr. Valani has looked at specific</p> <p>20 statistics for policing in Atlanta during the relevant time</p> <p>21 period. Have you done that?</p> <p>22 A I have not.</p> <p>23 MR. BOUCHARD: Object to form.</p> <p>24 BY MR. CLAYTON</p> <p>25 Q Are you aware that Wingate attempted to get a police</p>
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<p>1 and around the area, is they have knowledge of the area, right?</p> <p>2 They have built-in knowledge because they work in the area?</p> <p>3 A I don't know that.</p> <p>4 Q So you don't know that APD officers who work in that</p> <p>5 zone and police that zone for their day job, that's not just a</p> <p>6 benefit of that or are you saying that you don't know that</p> <p>7 these specific officers have that?</p> <p>8 A Yes, sir. I don't know that the -- the officers that</p> <p>9 they employed, I don't know that every one of them spent their</p> <p>10 time working in that area on duty as well as off-duty.</p> <p>11 Q But to the extent they did that, that's just a</p> <p>12 benefit, right? That's helpful?</p> <p>13 A Of course.</p> <p>14 Q A police officer wearing uniforms and sometimes</p> <p>15 having a car, that's helpful for crime deterrence in general,</p> <p>16 right?</p> <p>17 A In general, it is.</p> <p>18 Q Are you generally familiar with police radios, APD</p> <p>19 radios and things of that nature and how, if you're a APD</p> <p>20 officer, even if you're off duty, you have access to the APD</p> <p>21 radio and you can call for assistance and things of that</p> <p>22 nature?</p> <p>23 A Yes, sir.</p> <p>24 Q That is certainly another benefit of being -- of</p> <p>25 hiring an off-duty APD officer because they have access to</p>	<p>1 presence in the area by offering 655 Parkway to serve as a</p> <p>2 police substation?</p> <p>3 A I don't recall that exactly, but I don't have any</p> <p>4 reason to dispute it.</p> <p>5 Q That would certainly be reasonable -- or excuse me.</p> <p>6 It would certainly be a good thing to try to reduce crime in</p> <p>7 order to offer up a place for there to be a free APD</p> <p>8 substation, correct?</p> <p>9 A It could, yes.</p> <p>10 Q Was there any downside to it? Is it a bad thing?</p> <p>11 A Well, if you're asking me does that improve security,</p> <p>12 my answer is it depends. Are officers actually patrolling the</p> <p>13 area? Are they actually being of presence or are they just</p> <p>14 coming and going and not provided any presence whatsoever? So</p> <p>15 I -- and how many officers are we talking about? Is this an</p> <p>16 ongoing basis? Is it multiple officers? Is it one officer</p> <p>17 every other week? I would need a lot more information to say</p> <p>18 whether or not that would have any effect.</p> <p>19 Q So you can't say unequivocally housing a police</p> <p>20 substation on Parkway at the request of Wingate to the APD,</p> <p>21 even if they're just coming and going and their cars are parked</p> <p>22 out -- you can't say unequivocally that would have been a good</p> <p>23 thing?</p> <p>24 A Well, define good thing, sir.</p> <p>25 Q It would be helpful. It may not -- you can't say the</p>

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<p style="text-align: right;">Page 214</p> <p>1 overall effect that it would have been, but that absolutely 2 would have been unequivocally a positive thing that they tried 3 to do, right? 4 A Again, I would need to know a lot more about how much 5 time they are there, how often they are there, what is the 6 expectation. Are they coming every once in a great while or 7 are they there on an ongoing basis and are they actually 8 patrolling that area? If you say, hey, this is a police 9 substation, but none of them are ever there, then it's having 10 no affect. I can't say unequivocally it's a good thing or it's 11 going to reduce crime and deter crime. 12 Q So it could have been a bad thing that Wingate 13 offered up 655 Parkway as a police substation to the APD? 14 A No, sir, I'm saying it could have had no affect 15 depending on how it was executed or implemented. 16 Q You have seen in the records that Wingate lobbied for 17 more police presence around its buildings and requested police 18 cars patrol the park in the area, correct? It's in a bunch of 19 the records. I'm not saying how much, I'm just saying they did 20 those things. 21 A They did. 22 Q And you agree -- 23 A We're talking about on duty police officers. 24 Q On duty, yeah. They requested from APD management 25 that they provide a visible police presence in or around</p>	<p style="text-align: right;">Page 216</p> <p>1 Q And so even if there was a security officer, armed, 2 APD, anybody who was on duty patrolling that night, it doesn't 3 mean that they would have been on this block during the 20 4 seconds that this drive-by shooting happened, correct? 5 A Well, the answer to this is it depends because if -- 6 if you looked at, number one, the map that they provided in 7 Appendix B, they identify it as a primary problem area. So to 8 deploy security officers at primary and perhaps secondary 9 problem areas, again not having done a vulnerability assessment 10 but just looking at the information in front of me, and coupled 11 with all of the crime, all of the shootings that took place in 12 those particular locations, to me it's reasonable to deploy 13 personnel there. 14 Q Well, but the personnel has to be cut to patrol the 15 entire community, correct? I mean, that's just what you have 16 to do because there are problem areas and you have to address 17 them often? 18 A Correct, and to do that effectively, you should have 19 multiple personnel. 20 Q I know, you just don't know how many? 21 A I can't tell you exactly how many. That would 22 require more extensive analysis. 23 Q When you say primary problem area, what's -- do you 24 know when the date on that map is? 25 A January 18th, 2019.</p>
<p style="text-align: right;">Page 215</p> <p>1 Bedford Pines? 2 A Yeah, there were requests made that I recall seeing. 3 Q And obviously you'd agree with me that's a good thing 4 to do? 5 A Yes, sir. 6 Q You understand that the Bedford Pines community 7 stretches over many blocks, you have a map, right? 8 A Yes, sir. 9 Q You don't have an opinion, sitting here today, how 10 many officers, how many hours of coverage would be needed for 11 this specific community back in 2020 because you haven't run 12 that analysis, correct? 13 A When you say officers, are we talking about on-duty 14 law enforcement? Security officers? Off-duty police officers? 15 Q I'm talking about not on duty -- well, let me ask you 16 this: Have you run the analysis for any of those three? 17 A No, sir. 18 Q Okay. So don't have an opinion about how many 19 officers it would have taken had you run that -- those numbers? 20 A Correct. 21 Q All right. And you would agree that no matter -- 22 that given the scattered site nature here, you couldn't have 23 private security any -- however you want, off-duty, anybody, 24 they couldn't have been in every place at one time, correct? 25 A I agree, yes.</p>	<p style="text-align: right;">Page 217</p> <p>1 Q Yeah, so it's about almost a year and half before the 2 shooting, correct? 3 A Well, it is. And to your point, sir, the issues 4 persisted. I mean, there's lots of other incidents following 5 the creation of that map that also took place in that same 6 area. 7 Q And there are incidents in other areas both off 8 property and in other areas of the property, correct? 9 A Yes, sir. 10 Q And you wouldn't ignore those. You would have -- you 11 wouldn't say should not have gone to those other areas, would 12 you? 13 A No, I would not. 14 Q Detection lighting, we see in the video the area is 15 well lit, correct? 16 A We see that the area is lit. In order to 17 characterize it as well lit or sufficiently lit would require, 18 again, a vulnerability assessment, which would require, you 19 know, using a light meter which we do when we conduct 20 vulnerability assessments to test the output of those lights 21 and to make suer sure they're the meeting the published 22 standards. 23 Q And did you consider that Wingate spent, you know, 24 over \$50,000 in 2019 and 2020 on lighting? 25 A I don't remember that exact figure, but again, what I</p>

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<p>1 did not see is a lighting survey where one of the employees or 2 APD officers, off-duty APD officers, Plaza did what the 3 security industry speaks to and that is conduct a lighting 4 survey. 5 Q Well, Plaza, Jim Tate, testified that he did that and 6 he did it, I think, monthly, right? That was in his deposition 7 testimony? 8 MR. BOUCHARD: Object to form. 9 THE WITNESS: I disagree. 10 BY MR. CLAYTON 11 Q Okay. I'll ask it a different way. Did Jim Tate 12 have any testimony about lighting checks that he did in or 13 around the property? 14 A He may have but he did not specify that he conducted 15 a lighting survey with a light meter to ensure that the 16 lighting levels were in accordance with the industry standards 17 that are published. 18 Q Was he asked that question? 19 A I don't recall. 20 Q So you don't know if he did that or not? 21 A Well, what I'm saying is, had he done that, I think 22 it's reasonable to -- it's reasonable that he would have said I 23 walked around with the light meter. In accordance with the 24 published standards, I ensured that the lighting levels met the 25 standards and here's the evidence of that. That's what I</p>	<p>1 Q You have nothing to substantiate that it did not 2 either? 3 A Correct. 4 Q Okay. So going back to my question: You don't know 5 if the lighting met that standard in June 2020? 6 A I agree that I do not know if the lighting met that 7 standard, but what I do know is that there's been nothing 8 submitted that states that clearly, which is something that -- 9 if it is an expectation in the security industry, that you 10 conduct a lighting survey and you have evidence of that and you 11 have documentation of that. 12 Q Is it your opinion today that different lighting 13 would have prevented this shooting? 14 A No, sir. 15 Q Are you aware of the Michigan State University school 16 of criminal justice's evaluation of Project Greenlight Detroit? 17 A No, I don't specifically recall that, no. 18 Q Intrusion sensors, you mentioned that in your report. 19 Intrusion sensors, that's to get into buildings; is that right? 20 A Intrusions sensors is to get into buildings? 21 Q I'm asking you. I mean, it's in here intrusion 22 sensors, so I'm asking is that -- 23 A What is an intrusion sensor? 24 Q Yes. 25 A Sure. Intrusion sensors can take various forms to</p>
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<p>1 didn't see. 2 Q Well, he wasn't asked -- I don't know that he was 3 asked that question. 4 A I'd have to review -- I'd have to review what he 5 said. 6 Q Let me ask you this though: You would agree with me 7 that lighting -- the shooters never got on the property, right? 8 A Correct. 9 Q So in this case, the better the lighting, the more 10 well lit the plaintiff are to be shot by someone on a public 11 street, correct? 12 A Well, that's in part true, but it's also true that 13 other things could have been -- other information could have 14 been garnered to include, you know, better lighting, better 15 cameras meant better resolution and perhaps identification of 16 the suspects. 17 Q Lighting was not the reason that this shooting 18 happened, is it? 19 A No, but you're asking me -- no. This whole line of 20 questioning, sir, started with would I agree that the area was 21 well lit and well lit, in a security context has certain 22 parameters that go with it. 23 Q Well, fair to say you don't know if the lighting met 24 that standard in June 2020? 25 A I have nothing to substantiate that it did.</p>	<p>1 include exterior applications. So in other words, they can be 2 mounted on the perimeter of a property and they will recognize 3 when someone crosses that property boundary and set off an 4 alert and they can be mounted inside. So yeah, they take on 5 various forms. 6 Q But that's not practical at a multifamily housing 7 facility, is it? Exterior sensors for -- to alert any time 8 someone comes on to a property? 9 A As a general practice, unless there's -- if there was 10 a specific application for it, it might. But as a general 11 practice, I would agree, no. 12 Q You are aware from the records that Wingate received 13 police reports from the area on a weekly basis, correct? 14 A I don't remember that specific testimony that they 15 received police reports on a weekly basis. 16 Q Well, we provided documents that showed that. 17 A Okay. 18 Q Let me just -- let me just ask you: Assuming that 19 they proactively asked for police reports, that would certainly 20 be a good thing for a property management company to do, right. 21 Proactively ask for police reports? 22 A Well, it's only good if they take steps. 23 Q So it's not good. Let me -- that's fine. Sorry, go 24 ahead and finish. 25 A So asking for information is one thing, acting on</p>

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<p>1 that information is something entirely different. So if I give 2 you a bunch of information that could be valuable to you but 3 you ignore it, then was asking for it a good thing? Probably 4 not. So, you know, is -- is asking for information that you 5 don't -- you don't notify your residents of, so if they had 6 information about a bunch of crime that was happening from APD 7 but they didn't inform their residents, then I would not 8 categorize that as a good thing. Asking for it in a general 9 sense to be aware, if -- again, if you're not doing anything 10 proactive, if you're not doing anything useful with the 11 information, I would have a hard time -- then it's nothing more 12 than data that could be -- could be used in a meaningful way 13 but it not.</p> <p>14 Q Well, did Wingate discuss relevant police reports at 15 security meetings?</p> <p>16 A With residents?</p> <p>17 Q The security meeting minutes that they have, did they 18 discuss them?</p> <p>19 A There is security meeting minutes where it refers to 20 discussing criminal activity and reports and things of that 21 nature, yes. These are in -- we're talking about their own 22 internal meetings.</p> <p>23 Q Exactly. So you would agree with me it's a good 24 thing that they proactively asked for this information and then 25 went on to discuss it so that everyone would be aware of it and</p>	<p>1 A In certain instances, yes, and others, no.</p> <p>2 Q Are you aware that Plaza Security was present for 70 3 hours a week on the property?</p> <p>4 MR. BOUCHARD: Object to form.</p> <p>5 THE WITNESS: I don't remember the exact number of 6 hours they were present on the property.</p> <p>7 BY MR. CLAYTON</p> <p>8 Q But you agree that it was a good thing for Wingate to 9 pay them to be on the property to keep abreast of crime and to 10 do other security related things during the time period?</p> <p>11 A Well, what I would say is -- what I would say is, as 12 I state on Page 61, Plaza Security was also hired by the 13 subject property, however, nothing has been received to 14 indicate that Plaza Security provided a reasonable level of 15 security of the subject property. Conflicting testimony exists 16 about the role of Plaza Security at the subject property. So 17 you know -- and there are several things in here that speak to 18 issues with Plaza Security and so I -- so to say Plaza 19 Security, in and of itself, was an effective step or a 20 reasonable step, I would disagree with because, you know, the 21 testimony here is, you know -- according to the property 22 manager Alana Robinson, Plaza Security duties involved 23 assisting and organizing schedules for APD, they patrolled the 24 community and offered information.</p> <p>25 When asked if Plaza Security employed security guards</p>
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<p>1 they could determine what actions to take? That's not a bad 2 thing, is it?</p> <p>3 A Well again, I'm not saying it's a bad thing but I'm 4 not saying it's a good thing unless something useful or 5 productive is done with the information.</p> <p>6 Q Well, as you bring that up, I know you have never -- 7 have you ever performed any eviction consulting at all?</p> <p>8 A I have not.</p> <p>9 Q Do you know from any of the organizations that you've 10 been involved in that evictions of people involved in crimes is 11 a crime deterrence measure?</p> <p>12 A It can be, yes.</p> <p>13 Q Is that something that should have been done 14 proactively?</p> <p>15 A It should, yes.</p> <p>16 Q Using -- did Wingate use the police reports that it 17 received from the police on a weekly basis to move forward with 18 evictions of people who were arrested or convicted of crimes?</p> <p>19 A At times, yes. And at other times, no. There's 20 testimony that -- where they didn't.</p> <p>21 Q So going back to my original question: You said that 22 they didn't do anything with it, then it may not be useful. 23 You and I can agree that the evidence here is that Wingate did 24 some things with the information that they had to be proactive, 25 correct?</p>	<p>1 to patrol the property, Robinson stated I don't know. We have 2 the testimony of the APD officers saying that the role of Plaza 3 was unclear. I don't really know what they were hired to do, 4 as one APD officer stated. And according to -- well, this 5 right here. With regard to Jim Tate and Jon Kiernan of Plaza 6 Security, APD officer Claude stated, I don't want to -- I mean, 7 I don't know what was expected of them in that. So I'm not 8 going to disparage them, but at the same time, I don't know 9 what -- why Bedford Pines hired them and what their role was to 10 be.</p> <p>11 According to Plaza CEO Jim Tate, we don't wear 12 uniforms, we don't drive marked patrol vehicles, we don't go on 13 patrol in that sense of the word. We're not there for that. 14 Tate also testified that Plaza Security did not provide armed 15 security services at Bedford Pines in 2020. So, you know, to 16 answer your question, there were certainly issues. And I also 17 say there's anything in the documentation which reflects any 18 objective measurement of the effectiveness of the security 19 services -- or sorry, of the services. There is nothing in the 20 documentation which reflects any objective measurement of the 21 effectiveness of the services that Plaza Security provided.</p> <p>22 Q So my question wasn't whether it was reasonable or 23 whether there was an assessment. My question was: You would 24 agree that it was a good thing for Wingate to pay Plaza 25 Security to be present for 70 hours a week to deal with</p>

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<p>1 security issues?</p> <p>2 MR. BOUCHARD: Object to form.</p> <p>3 THE WITNESS: No, I wouldn't agree with that, sir.</p> <p>4 What I would -- what I would say is, based on everything I</p> <p>5 just stated, they weren't providing security. And they</p> <p>6 could have and should have engaged a company that would</p> <p>7 have provided security, not say, oh, we're not here to</p> <p>8 provide security and would have made it clear what their</p> <p>9 role was with regard to securing the property. But that</p> <p>10 didn't happen here. And even in their -- in the master</p> <p>11 services agreement, it doesn't state that.</p> <p>12 You know, it says contractor's responsibility is</p> <p>13 solely limited to reporting accumulated data and criminal</p> <p>14 statistics gathered from third-party sources in addition</p> <p>15 to firsthand knowledge received while performing similar</p> <p>16 duties on the clients' other properties, which may</p> <p>17 include, but is not limited to, Wingate Management as the</p> <p>18 management team for the client's properties. The</p> <p>19 contractor employees will contact local authorities for</p> <p>20 all emergencies that are brought to their attention.</p> <p>21 Additionally, contractor's employees will maintain good</p> <p>22 working relationships with Fulton County Police, Atlanta</p> <p>23 Police Department, and other local law enforcement</p> <p>24 agencies while regularly familiarizing themselves with</p> <p>25 local illegal activities and information provided by local</p>	<p>1 my question or no? I know it was a very long and -- very long</p> <p>2 nonanswer, but no, that was not my question.</p> <p>3 (READ BACK)</p> <p>4 THE WITNESS: As I said, sir, they weren't providing</p> <p>5 security. The question is was it a good thing for them to</p> <p>6 be there providing security. What I'm saying to you, sir,</p> <p>7 is there is nothing to substantiate that they were</p> <p>8 providing security.</p> <p>9 BY MR. CLAYTON</p> <p>10 Q The question is whether it was a good thing for</p> <p>11 Wingate to be paying a company 70 hours to deal with security</p> <p>12 issues?</p> <p>13 MR. BOUCHARD: Object to form.</p> <p>14 BY MR. CLAYTON</p> <p>15 Q You just read a contract that said they were going to</p> <p>16 be doing security management, right? Off-duty APD management,</p> <p>17 right? You read other parts of a contract, getting data, doing</p> <p>18 an assessment, doing all these things. The question is -- I</p> <p>19 guess I'll add it -- I'll say it in a different way because,</p> <p>20 again, you're not answering the question. Is it your opinion</p> <p>21 that Plaza Security added any value, at all, for the 70 hours a</p> <p>22 week that Wingate was paying it to perform security related</p> <p>23 services at the property?</p> <p>24 MR. BOUCHARD: Object to form.</p> <p>25 THE WITNESS: What I would say is --</p>
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<p>1 law enforcement.</p> <p>2 The client's physical security services are currently</p> <p>3 provided by local law enforcement, off-duty personnel</p> <p>4 under the Atlanta Police Department. Contractor has been</p> <p>5 engaged as a security -- as security management for the</p> <p>6 client. Contractor's job is to observe, report, and</p> <p>7 document law enforcement services provided by off-duty law</p> <p>8 enforcement. So again, we have -- we have this confusion</p> <p>9 and we have this contradiction where this says the</p> <p>10 client's physical security services are currently provided</p> <p>11 by local law enforcement, off-duty personnel, but when you</p> <p>12 look at the Atlanta Police Department responsibilities, it</p> <p>13 doesn't say there.</p> <p>14 It says that, according to the subject property's</p> <p>15 officers agreement, the APD officers were obtained solely</p> <p>16 for the purpose of providing additional eyes and ears.</p> <p>17 Other duties expected of the off-duty officers are listed</p> <p>18 in Schedule A, but nowhere does it state that the officers</p> <p>19 were expected to provide security to the residents or</p> <p>20 visitors of the subject property. So if you have Plaza is</p> <p>21 not providing security and APD is not providing security,</p> <p>22 to your question, I wonder who is providing security at</p> <p>23 that point.</p> <p>24 BY MR. CLAYTON</p> <p>25 Q That wasn't my question. Can you possibly read back</p>	<p>1 BY MR. CLAYTON</p> <p>2 Q The --</p> <p>3 A Sir, I would say that what they were doing there, the</p> <p>4 capacity they were operating in and the capacity APD was</p> <p>5 operating in where nobody took responsibility for security and</p> <p>6 nobody's contract does it say we provide security services, not</p> <p>7 only was it not provide value, it was Plaza's role in this, in</p> <p>8 many ways, sir, was detrimental.</p> <p>9 Q So Wingate was wasting all of the money that it paid</p> <p>10 on Plaza when it thought it was getting some security for it?</p> <p>11 MR. BOUCHARD: Object to form.</p> <p>12 BY MR. CLAYTON</p> <p>13 Q Security services, you know, not a loading -- in your</p> <p>14 opinion, the entirety was wasted because they got no value from</p> <p>15 Plaza Security's 70 hours a week; is that right?</p> <p>16 A What I would say is they could have gotten value from</p> <p>17 a company that was there providing security services that was</p> <p>18 engaged to provide security services, not a company that's</p> <p>19 there to provide security management to which, okay, number</p> <p>20 one, I don't clearly understand the role and even the officers</p> <p>21 working there in an off-duty capacity didn't understand the</p> <p>22 role. That's number one. Number two, the effectiveness wasn't</p> <p>23 measured and we see the volume of crime not only continue, but</p> <p>24 in many ways increase and Plaza Security is not providing a</p> <p>25 security services. So a security service that is going to</p>

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<p>1 provide security is what I'm suggesting should have been 2 engaged. 3 Q Not my question. It has nothing to do with other 4 people. Can you please read back my question? Keep your focus 5 on the question as I ask it. 6 (READ BACK) 7 BY MR. CLAYTON 8 Q So that's it and then I emphasized any value. I 9 don't care about any other company or what they could have 10 done. I'm asking you a very specific question. Could you 11 answer the question that I asked, please? 12 MR. BOUCHARD: Objection to asked and answered. 13 MR. CLAYTON: It wasn't answered, not even close. Go 14 ahead. 15 THE WITNESS: So -- 16 MR. CLAYTON: It's a yes or no question because it's 17 any value at all. So it's really a yes or no question. 18 Yes, any value -- excuse me, no value or any value? One 19 percent is yes. Zero percent is no. 20 THE WITNESS: It's not a simple yes or no answer. 21 MR. CLAYTON: It is. 22 THE WITNESS: It's more complicated than that. 23 BY MR. CLAYTON 24 Q It's not because I asked if it was any value, any 25 necessarily means anything above zero percent is yes, anything</p>	<p>1 MR. BOUCHARD: Objection to asked and answered. 2 MR. CLAYTON: It's not because he said no -- he said 3 it went backwards and then he said I'm sure it did. So he 4 gave three contradictory answers. 5 MR. BOUCHARD: That's his answer. 6 MR. CLAYTON: That's not his answer. It's did they 7 provide it? Yes or no? 8 MR. BOUCHARD: He's explained in detail -- 9 MR. CLAYTON: Has he answered yes? 10 MR. BOUCHARD: -- probably three or four times. 11 MR. CLAYTON: Was the answer yes? 12 MR. BOUCHARD: Read the record. 13 MR. CLAYTON: I don't need to. I'm just going -- he 14 -- I want a clear answer. It's not that hard. 15 MR. BOUCHARD: He's given you his clear answer as he 16 is -- 17 BY MR. CLAYTON 18 Q So just so I understand, let me restate what I think 19 your answer was. Your answer was, yes, Plaza Security did 20 provide value in some of the services it provided to Wingate. 21 Did I get that right? 22 A No. 23 Q So to make sure that I repeat your question so that I 24 get it right: Is it your testimony that Plaza research -- 25 excuse me, Plaza Security did not provide any value in the</p>
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<p>1 at zero percent is no. 2 A Sir, I mean that's tantamount to asking me if you 3 hire an attorney, but he doesn't perform services of an 4 attorney, but he gets your coffee, did he provide you value. 5 Well, I guess he got me coffee but he didn't provide the 6 services I hired him to do. You know, you want to lock me into 7 an answer that they nothing of value whatsoever. What I'm 8 saying to you is they did not perform security services. And 9 what was needed was a company that would provide security 10 services. They are a security company and it's 11 contradictory -- in the information that was provided, there is 12 contradictory statements about what their role was and there's 13 confusion around why they were hired. 14 They, themselves, say they weren't there to provide 15 security. They were just to manage the security that was 16 provided by APD, but APD says we weren't there for security. 17 We were there as eyes and ears. We don't know what Plaza was 18 doing here. So again, it's not a did they do certain things 19 that added value over the time they've been there, I'm sure 20 there are things that they did that may have been helpful in 21 bits and pieces. But the totality of what they were there to 22 provide, the totality of the services that were needed at 23 Wingate -- by Wingate Management at Bedford Pines, no. 24 Q So Wingate hiring Plaza Security did add value? Yes 25 or no?</p>	<p>1 services it provided to Wingate? Did I get that right? 2 A Plaza Security did not provide a reasonable level of 3 security. They did not provide a reasonable level of value as 4 it relates to security. 5 Q That's not what I'm asking. Again, my question is: 6 Did Wingate get anything of value for the money that it paid 7 Wingate in terms of security at the property based upon all of 8 the evidence in this case? 9 A In terms of security, no. 10 THE WITNESS: Can we -- is it possible to take a 11 break, sir? 12 MR. CLAYTON: Sure. 13 THE VIDEOGRAPHER: Off the video record at 5:29 p.m. 14 (BREAK TAKEN) 15 THE VIDEOGRAPHER: Back on video record at 5:41 p.m. 16 BY MR. CLAYTON 17 Q So you testified before we took a break that Plaza 18 Security was not providing a reasonable -- was not doing a 19 reasonable job in providing security, correct? 20 A I did. 21 Q You understand that no one at Wingate is a security 22 professional as you deem that term, correct? 23 A I do. 24 Q So you have no opinion that Wingate itself should 25 have known, as property managers and not as security</p>

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<p style="text-align: right;">Page 234</p> <p>1 professionals, that Plaza Security was not doing an adequate 2 job, correct? 3 A Can you break that question down? 4 Q I'm trying to just make sure that you're not going to 5 say that a property management company that you acknowledge are 6 not security professionals should have known that Plaza 7 Security, which held itself out as security professionals, was 8 not doing its job? 9 A No, I do believe they should have known that. 10 Q Okay. Even though they're not security 11 professionals, you say that non-security professionals should 12 be able to identify whether a company holding itself out as a 13 security professional is, in fact, a security professional? 14 A Well, I think Wingate Management or Bedford Pines, as 15 the client, has a duty to ensure -- duty is not the word I want 16 to use -- has a responsibility to ensure that someone they hire 17 is doing an adequate job whether they're an expert in it or 18 not. For example, our company hired a digital marketing firm 19 and, even though we're not experts in digital marketing, we can 20 see by the results of what they're doing or the results we're 21 seeing whether they're doing a reasonable job or not and we can 22 decide whether we want to bring somebody else in. 23 We can decide to bring in another consultant to give 24 us an objective opinion on how this company is doing in digital 25 marketing, even though we're not experts in it. We can still</p>	<p style="text-align: right;">Page 236</p> <p>1 you're saying you can testify about their responsibility to get 2 a security assessment, right? When we're talking about 3 responsibilities, you're saying that you can testify that they 4 have a responsibility to go out and find a ASIS certified 5 professional to conduct a security assessment? 6 A Yes. 7 Q Do you have any justification written from a -- in 8 the property management sphere that would support your ability 9 to do that? 10 A I would say the justification I have is in the 11 security sphere which includes the property management 12 apartment multifamily dwelling industry. 13 Q So I'm only limiting it to the property management 14 industry, not security. Can you point to anything in the 15 property management association's literature studies or 16 anything that mandates when a property management company 17 should hire an ASIS security professional to perform a 18 vulnerability assessment? 19 A No. And to be clear, that's not mandated in the 20 security industry either. As I stated more than once now, 21 these aren't mandates that ASIS puts out. These are consensus 22 based standards, guidelines, and accepted practices, not 23 mandates. 24 Q Do you know if any witness in this case knew what 25 ASIS was?</p>
<p style="text-align: right;">Page 235</p> <p>1 have a means by which to measure the effectiveness. And in 2 this case, it wasn't done. Wingate did not take a step back 3 and look at whatever the results here, why do we have this 4 issue with ongoing crime? Why is there confusion over whose 5 role is what? 6 Q Well, the security meeting minutes show that there 7 was a constant evaluation of different security initiatives or 8 thoughts. It was a constant process that they were analyzing 9 every two weeks, right? 10 A They were meeting on a regular basis it seemed, yes. 11 Q And to sit down and focus on security, correct? 12 A It would seem so, yes. 13 Q Now, on Page 26 of your report, do you see where it 14 says property management responsibilities? 15 A Yes, sir. 16 Q Balding? 17 A Uh-huh. 18 Q We already talked about you're not an expert in 19 property management or their responsibilities, correct? 20 A As it relates to security, I am. 21 Q So you believe that you are qualified to opine on 22 property management responsibilities? 23 A Specific to security, yes, as I've -- as I've stated 24 several times now, sir. 25 Q Now, it talks about ASIS -- and just so I understand,</p>	<p style="text-align: right;">Page 237</p> <p>1 A There is testimony from Jim Tate about ASIS. 2 Q Anybody else? 3 A Not that I recall. 4 Q Down here the physical asset protection standard says 5 a policy is a general statement of a principal according to 6 which an organization performs business functions. The 7 organization should establish documented policies which should 8 be consistent with the organization's mission to safeguard 9 asset. Do you see that at the bottom of Page 26? 10 A I do. 11 Q So this is talking about like a mission statement 12 needs to be in this document? 13 A Yes, sir. 14 Q The lack of admission statement not what caused the 15 issue though, right? 16 A No, it was not the lack of the mission statement 17 alone. 18 Q In fact, going on, provide a commitment to human and 19 community safety as well as asset protection by mitigating the 20 likelihood and consequences of disruptive events. A statement 21 about that, that's not applicable to what we're talking about 22 here, are we? 23 A It is applicable to what we're talking about here. 24 Q Do you know of any multifamily housing associations 25 or groups that have adopted any of the standards, you know, NFP</p>

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<p style="text-align: right;">Page 238</p> <p>1 730, IPSC, ASIS, that book by Mr. Silva, any of them that have 2 adopted them as best practices or standards? 3 A I cannot name them specifically, no. 4 Q That's a different question. I said do you know of 5 any? 6 A I do not. 7 Q Okay. Do you know of any multifamily housing 8 companies in Georgia that have utilized NFPA 730? 9 A I do not. 10 Q On 27, NFPA 1A, statement of purpose, that's another 11 way to see a mission statement, right? 12 A Yes, sir. 13 Q Plan distribution list J, if there is a planned 14 distribution list of this document with a mission statement in 15 it, that's not going to stop the shooting is it? 16 A In and of itself, no. 17 Q Page 28, can you name any property manager in Georgia 18 that have ever used anyone with a CPP or PSP certification 19 other than Wingate? 20 A I'm not aware that Wingate used somebody with that 21 certification. 22 Q Okay. Let's take Wingate out of it, they did, it's 23 in the record. 24 A To provide security? 25 Q To provide them with recommendations.</p>	<p style="text-align: right;">Page 240</p> <p>1 BY MR. CLAYTON 2 Q The second -- right before that, effective security 3 training or security awareness training includes techniques 4 such as formal briefing, drills and exercises, and the 5 distribution of written materials which outline procedures for 6 responding to various threats, correct? 7 A Yes, sir. 8 Q Have you ever given any drills to any residents of 9 multifamily housing in the state of Georgia? 10 A I have not. 11 Q Have you ever heard of and can you name any 12 multifamily property that's ever done that? 13 A I cannot. 14 Q Have you personally ever lived in an apartment? 15 A I have. 16 Q Have you personally ever been through any drills or 17 exercises that you're saying here should be done? 18 A I have not. 19 Q Is it your opinion that drills and exercises should 20 have been done at Wingate at Bedford Pines as outlined in your 21 report? 22 A I think the measure -- given the amount of crime that 23 was taking place, I don't think that would have been 24 unreasonable at all. 25 Q I'm not asking you what's unreasonable. I'm saying</p>
<p style="text-align: right;">Page 239</p> <p>1 A You're talking about Mr. Sawyer? 2 Q Correct. But right now that's not my question. That 3 was my question when I said other than Wingate, but if you want 4 me to take that part out, I can take that part out, which is do 5 you know any property management companies that have used 6 anyone with a CPP or PSP certification for work here in 7 Georgia? 8 A For apartments? 9 Q Yes. 10 A No. 11 Q Do you know of a single property manager operating in 12 the state of Georgia who has ever heard of Michael Silva or 13 read his book? 14 A Who manage apartments? 15 Q Yes. 16 A No. 17 Q Now on 28 here, it talks about -- this is security 18 awareness training and notifications to residents, right? 19 That's what the -- that's what the heading says. 20 A Could you say that again, please? 21 Q The heading here, property management 22 responsibilities, security awareness training and notification 23 to residents about security problems. 24 MR. BOUCHARD: Page 28. 25 THE WITNESS: Yes, sir.</p>	<p style="text-align: right;">Page 241</p> <p>1 is it your opinion that Wingate failed to meet the standard of 2 care because it did not require drills and exercises of its 3 residents that you have never heard of happening, never seen 4 happen of any other property management company in the state of 5 Georgia? 6 A That and that alone, no. 7 Q Okay. So it's not needed. You would agree with me, 8 drills and exercise is not needed? 9 A No, that's not what I'm saying, sir. I'm saying it 10 would have been reasonable given the frequency, severity, and 11 volume of crime that was taking place there. Things such as 12 that would have been reasonable steps to take. But if you're 13 saying was that required to meet the standard of care, as I 14 believe you put it, that individual element, no, and I didn't 15 put that in my opinions. 16 Q Well, it's in here. It's a responsibility. You say 17 a property management company -- and this is in there and this 18 is in the opinion that said it would have prevented it, so are 19 you saying that not doing these drills and what you say here, 20 if those had been done, that would have prevented this 21 shooting? 22 A No, sir, that's not one of the opinions I made. What 23 I'm stating here are the overarching -- the overarching 24 security standards, the overarching security guidelines, the 25 consensus based and peer-reviewed material. That's what it</p>

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<p style="text-align: right;">Page 242</p> <p>1 says.</p> <p>2 Q Well, but we're talking about in practice. You've</p> <p>3 never one. I'll tell you I've never done one. Do you even</p> <p>4 know anyone who has ever done a -- we're not talking about fire</p> <p>5 drill, I think we've all done those. I've even done tornado</p> <p>6 drills. But a security drill at your apartment complex, do you</p> <p>7 know anyone that's ever even told you about that? Have you</p> <p>8 ever heard about one of those?</p> <p>9 A Well, I see that it's listed here.</p> <p>10 Q Well, I can read too. I'm asking you: Do you know</p> <p>11 anyone in your life that's ever done it?</p> <p>12 A I do not.</p> <p>13 Q Okay. So you would agree with me that if members of</p> <p>14 the jury, there will be 12 of them, maybe a few more, if none</p> <p>15 of them have ever done it either, they should just disregard</p> <p>16 your opinions because it's just not something that happens,</p> <p>17 right?</p> <p>18 A No, I disagree completely.</p> <p>19 Q Twenty-nine, that's Page 29. Can you name -- in the</p> <p>20 middle of there -- there's a one through 16 in the middle of</p> <p>21 that. Do you see that?</p> <p>22 A Uh-huh.</p> <p>23 Q Can you name one Georgia multifamily property that</p> <p>24 has provided security training with the residents that meets</p> <p>25 one through 16 on this page?</p>	<p style="text-align: right;">Page 244</p> <p>1 A Well, I think you're taking that out of context.</p> <p>2 This is something he wrote in his book. I'm not providing a</p> <p>3 legal conclusion in terms of duty.</p> <p>4 Q You're not saying it's true, you're just saying that</p> <p>5 Michael Silva said it?</p> <p>6 A I'm not saying that. I'm saying that this is what he</p> <p>7 said. What you're saying -- you're -- you're taking that and</p> <p>8 you're saying that because he said it, I'm saying that in -- as</p> <p>9 a legal definition of duty, and I'm not. Now, I do agree with</p> <p>10 him in the context he's saying that. When he's saying that,</p> <p>11 he's talking about duty in terms of responsibility.</p> <p>12 Q Would you agree that a property manager can opine on</p> <p>13 the duty of a security consultant?</p> <p>14 A Do I agree that a property manager can opine on the</p> <p>15 duty of a security consultant?</p> <p>16 Q Property management expert can opine, can have</p> <p>17 opinions, is qualified to give opinions as to what security</p> <p>18 consultants should and should not do?</p> <p>19 A No, I don't agree with that.</p> <p>20 Q Are you a member of the National Apartment</p> <p>21 Association?</p> <p>22 A I am not.</p> <p>23 Q You agree you are not competent to determine if a</p> <p>24 property manager meets standards of an association you are not</p> <p>25 a member of, correct?</p>
<p style="text-align: right;">Page 243</p> <p>1 A I cannot.</p> <p>2 Q Down below it's a further sentence, written training</p> <p>3 materials, in-person training session, self-paced learning</p> <p>4 through a web-based E-learning platform. Can't name a single</p> <p>5 one that has done that, can you?</p> <p>6 A I cannot.</p> <p>7 Q Have you ever conducted a training of a multifamily</p> <p>8 property that meets one through 16?</p> <p>9 A I have not.</p> <p>10 Q Fair to say you don't know if any one of those have</p> <p>11 ever taken place in the state of Georgia for a multifamily</p> <p>12 property?</p> <p>13 A I do not.</p> <p>14 Q Up at the top of Page 30, it is the duty of the</p> <p>15 property manager to make residents aware of any security</p> <p>16 problems occurring at the property so residents are aware the</p> <p>17 risk and can take the appropriate steps to protect themselves.</p> <p>18 Do you see that?</p> <p>19 A I do.</p> <p>20 Q You have never made any residents at any property</p> <p>21 aware of security problems because you have never been a</p> <p>22 property manager, right?</p> <p>23 A I have not.</p> <p>24 Q But yet you still feel that you are qualified to make</p> <p>25 that statement, to state what is the duty?</p>	<p style="text-align: right;">Page 245</p> <p>1 A Well, I'm not -- I'm not offering an opinion on the</p> <p>2 standards of the National Apartment Association. What I'm</p> <p>3 saying is this is the information that they have put out, and</p> <p>4 what they say is the importance of notifying residents of</p> <p>5 security issues is supported by the National Apartment</p> <p>6 Association whose mission is to serve as a trusted preeminent</p> <p>7 resource for all stakeholders in the rental housing industry</p> <p>8 through advocacy, education, and collaboration.</p> <p>9 Q You're not even eligible -- sorry, I thought you were</p> <p>10 done.</p> <p>11 A I'm discussing an article which we've referred to</p> <p>12 several times now. The standards that I'm speaking to are</p> <p>13 standards in the security industry.</p> <p>14 Q You're not even eligible to be a member of the</p> <p>15 National Apartment Association, are you, or do you know the</p> <p>16 membership requirement?</p> <p>17 A I don't know. I've never looked into it, sir.</p> <p>18 Q In this case, you understand and are aware that</p> <p>19 Wingate provided a way for residents to provide confidential</p> <p>20 information to be used for security services, right?</p> <p>21 A I'm sorry, say that again.</p> <p>22 Q Did Wingate provide a tip line to allow residents to</p> <p>23 provide confidential information about concerns to security and</p> <p>24 crime?</p> <p>25 A I believe there was testimony about that, yes.</p>

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<p>1 Q And that's certainly a good and reasonable thing to</p> <p>2 do?</p> <p>3 A It can be if -- depending on -- excuse me. Depending</p> <p>4 on how that information is used, but again, it's sort of like,</p> <p>5 you know, the point you made about the -- or the point that you</p> <p>6 tried to make about the police reports. Just getting the</p> <p>7 police reports, in and of itself, is not necessarily a</p> <p>8 reasonable security step. Getting information from a tip line,</p> <p>9 I'd have to know a lot more about how that information was</p> <p>10 acted upon, how the information was managed, what the results</p> <p>11 of that were.</p> <p>12 Q Now, on the bottom of this page here, it talks about</p> <p>13 exterior perimeter. Do you see that, number one?</p> <p>14 A Yes, sir.</p> <p>15 Q And then it goes over to the next page, exterior</p> <p>16 devices should included, but not limited to. We agree Wingate</p> <p>17 had fences for Number 1, right?</p> <p>18 A Uh-huh.</p> <p>19 Q There were wall, Number 2? These are building walls.</p> <p>20 The next one is roofs, so, right? So we had walls?</p> <p>21 A Yes, we did.</p> <p>22 Q There was a roof, right?</p> <p>23 A There was.</p> <p>24 Q Protective lighting, yes?</p> <p>25 A I don't know if it would qualify as protective</p>	<p>1 you're referring to, sir?</p> <p>2 Q I would interpret that to be a camera.</p> <p>3 A No, cameras are addressed elsewhere.</p> <p>4 Q That list I just went through, one through eight, you</p> <p>5 would agree with me it has nothing to do with the issues</p> <p>6 involved in this shooting, right?</p> <p>7 A In and of themselves, do these have bearing on the</p> <p>8 shooting incident of that evening? Individually, no.</p> <p>9 Q Page 32. You would agree with me that a lot of this</p> <p>10 on here had nothing to do this case? I understand you may just</p> <p>11 set everything out in full, but parking areas being marked,</p> <p>12 we're not -- this didn't happen in a parking area, right?</p> <p>13 A No. We had the food truck in the parking area, so.</p> <p>14 Q Down at the bottom it --</p> <p>15 A There's that.</p> <p>16 Q Down at the bottom it talks about barrier arm gates</p> <p>17 are used to control traffic and tailgating. Is tailgating</p> <p>18 through a barrier arm gate have anything to do with the issues</p> <p>19 in this case?</p> <p>20 A No.</p> <p>21 Q So why is it in here?</p> <p>22 A Well, again, as you just said, I'm laying out the</p> <p>23 guidelines, the standards, the peer-reviewed material, the</p> <p>24 consensus based material that exist in the security industry</p> <p>25 that speaks specifically to apartment complexes, multifamily</p>
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<p>1 lighting, again, for all the reasons we discussed earlier.</p> <p>2 Q Okay. Ironwork, there's bars and grilles and things?</p> <p>3 A I --</p> <p>4 Q Are you saying there aren't or are you just saying</p> <p>5 you don't know?</p> <p>6 A Bars and grilles?</p> <p>7 Q Yeah, ironwork.</p> <p>8 A I don't see those in the photos I'm looking at from</p> <p>9 my site visit.</p> <p>10 Q Rails and other things. I believe the buildings were</p> <p>11 demolished when you were out there.</p> <p>12 A Well, I have pictures of when they were there.</p> <p>13 Q I know. You just said the site visit, so I want to</p> <p>14 make sure we're clear.</p> <p>15 A Well, it's documented in the site visit. I do not</p> <p>16 see bars on the windows.</p> <p>17 Q Okay. Raising materials, those are present?</p> <p>18 A Yes, sir.</p> <p>19 Q Passing barrier, we have those?</p> <p>20 A Uh-huh.</p> <p>21 Q Is that a yes?</p> <p>22 A Yes.</p> <p>23 Q And electronic security devices, it has those,</p> <p>24 correct?</p> <p>25 A Which devices are you -- I'm not sure which devices</p>	<p>1 dwellings. So I'm laying all these things out here. I'm not</p> <p>2 -- and in my opinion section is where I get into the specifics</p> <p>3 of what was at issue in this case. But as I state in my</p> <p>4 report, you know, this is the -- this is what layered security</p> <p>5 looks like and these are the different aspects of that laid out</p> <p>6 in detail. So when we talk about layered security, I have that</p> <p>7 laid out here what that looks like, all the different elements</p> <p>8 of it, the details around that, the details around security</p> <p>9 awareness training, the details around security assessments.</p> <p>10 All these things are laid out in detail here. Now, were every</p> <p>11 single one of them an issue in this case? No, they were not.</p> <p>12 But certain --</p> <p>13 Q Sorry, go ahead.</p> <p>14 A Certain aspects were. And the aspects that are</p> <p>15 referred to, starting on Page 43, in the opinion section of my</p> <p>16 report.</p> <p>17 Q Now, there was nothing -- if someone was monitoring</p> <p>18 cameras -- I know you said they would see the plaintiff being</p> <p>19 on the property when they shouldn't have been. Putting that</p> <p>20 aside, the car that came down the street and began shooting,</p> <p>21 there was nothing that anyone monitoring could have done to</p> <p>22 have foreseen that that car would have opened fire and started</p> <p>23 shooting on the five individuals from monitoring the computer</p> <p>24 screen, correct?</p> <p>25 A As far as I know, just the car -- if we're talking</p>

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<p style="text-align: right;">Page 250</p> <p>1 about the car driving by, turning around and driving back, was 2 that indicative of a shooting as such? Not conclusively, no. 3 Q Well, you don't expect somebody that's taking a 4 monitor to identify and record and keep track of every single 5 car that drives by, do you? 6 A Agreed, no. 7 Q Okay. I just want to make sure. So we agree that, 8 if someone had been monitoring -- I understand about the people 9 being there, I'm not talking about that, but for the car, there 10 was nothing on the video that would indicate that a car was 11 about to open fire on the people who should not have been 12 standing there? 13 A Well, I do think it was somewhat suspicious that it 14 drove up, turnaround, and drove back. That doesn't 15 conclusively mean that they were going to open fire, but it 16 would -- for example, if security personnel were out there and 17 paying attention, had they seen a car drive by once, flip 18 around and drive back, something should be paid attention to. 19 Q Well, it opened fire the second time, so it didn't 20 come back multiple times. So it came back -- the first time it 21 drove by, there was nothing suspicious about it, right? 22 A The fact that it turned around and came back is what 23 I'm talking about. 24 Q I think it went around the block and came back, 25 didn't it?</p>	<p style="text-align: right;">Page 252</p> <p>1 things? 2 A They took actions, yes. 3 Q Okay. Is it your opinion that any of the actions 4 that they took themselves caused or contributed to the crime 5 problem or issue that was out there on -- at the time of this 6 incident? And let me just divorce that from inaction, failing 7 to hire a competent security company. You know, inaction, 8 failing to do a vulnerability study, right. Those are 9 inactions in my opinion. I'm saying are you going to say that 10 they did this thing and this was so bad that it made things way 11 worse? 12 A Well, I just went to make sure I'm stating inactions 13 versus actions properly. Yes, I would classify -- my opinions 14 speak to the inactions. 15 Q Okay. Page 43, where you talk about, in Opinion 1, 16 it says these failures reflect a lack of conformity to the 17 industry accepted publications discussed earlier in the 18 property management responsibilities, security assessments, 19 plans, policies and procedures section of this report. 20 A Uh-huh. 21 Q When you use the word industry accepted publications, 22 you are referring to the security industry accepted 23 publications? 24 A I am. 25 Q You are not attempting to opine that that is industry</p>
<p style="text-align: right;">Page 251</p> <p>1 A Again -- 2 Q Are you saying it made a U-turn in the video? 3 A I don't recall exactly how that looked and I don't 4 remember the video capturing the entire -- you know, like I 5 said, the car comes in and out of the video, as I recall. So I 6 don't remember exactly how that happened, whether it went 7 around the block or whether it made a U-turn. 8 Q But suffice it to say you do not have an opinion that 9 had someone been monitoring that, they would have been able to 10 foresee that that car was about to open fire on those people? 11 A Agreed. 12 Q You are -- there is talk in here in general from 13 standards and all of these things about training for security 14 people in different context. You don't hold the opinion that 15 Wingate, a property management company, should have trained a 16 security person in security techniques, right? 17 A Agreed. 18 Q All right. There's two types of things that you 19 could take issue with or anyone could take issues with. 20 There's actions and then there's inactions. Do you understand 21 the difference between the two? 22 A I do. 23 Q All right. We know that Wingate took a number of 24 actions they, at least, thought would help address crime, 25 right? That was the spirit by which they were doing all these</p>	<p style="text-align: right;">Page 253</p> <p>1 accepted publications in the property management industry? 2 A Correct. 3 Q At one point, Doug Little managed off-duty APD 4 officers. Is it your testimony that he was not competent to do 5 that? 6 A I don't have an opinion as to whether he was 7 competent nor incompetent. The information I -- I don't 8 have -- I don't have anything to formulate an opinion as to his 9 competency or incompetency other than what's -- what I have 10 listed here. 11 Q I think you have made some opinions about not 12 properly managing the off-duty APD. They were managed at time 13 by Doug Little, by Vance, by Aniah. I'm asking you: Is it 14 your opinion that they were not competent to provide oversight 15 of the officers working beneath them as they were paid in a 16 management responsibility, or do you not have an opinion one 17 way or another about their competency to do that? 18 A Well, where I speak to competency is on Page 59 with 19 regard to the off-duty APD officers where I say concerns about 20 the off-duty -- sorry. 21 Q I'm only asking about the managers right now and 22 their competency, not whether or not there was concerns about 23 the officers themselves. 24 A Sorry. The word I use here is complacency. 25 Complacency, lack of engagement, lack of effectiveness, lack of</p>

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<p style="text-align: right;">Page 254</p> <p>1 integrity, lack of availability. And that's what I'm referring 2 to in the record. So did I see anything to formulate an 3 opinion that APD Lieutenant Little was -- lacked the competency 4 to manage the off-duty officers? No. 5 Q Same with respect to the other managers? 6 A That they lacked competency? 7 Q Yes. 8 A Well, there was -- I just want to refresh myself on a 9 couple of things. I recall Lieutenant Little making statements 10 about Vance, Officer Vance. 11 Q I'm not asking what Mr. Little's testimony was. 12 Mr. Vance replaced him. 13 A Yes. 14 Q I'm asking you if you have any opinions about it? 15 A About the competency? 16 Q Correct. 17 A That's outside the scope of my assignment. 18 Q All right. On Page 48, starting with the however -- 19 however there is no documentation to substantiate that 20 reasonable changes were made to the subject property's security 21 system in response to the drive-by shootings. Do you see that? 22 A No, sir. 23 Q Forty-eight? 24 A Where on 48 are we? 25 Q Two, it's the second sentence.</p>	<p style="text-align: right;">Page 256</p> <p>1 that time period. 2 A Uh-huh. 3 Q Is that a yes? 4 MR. BOUCHARD: Object to form. 5 BY MR. CLAYTON 6 Q You know what I'm referencing, right? 7 A I do. 8 Q And so you agree with me that those security meeting 9 minutes track changes that were put in place during the time 10 period? 11 A I would have to see them again, and I would also 12 stand by what I said here, there is no documentation to 13 substantiate that reasonable changes were made to the subject 14 properties security system in response to the drive-by 15 shootings. So I would have to see specifically what you're 16 talking about, but as I -- 17 Q I'm just -- go ahead. 18 A As I examined the information, as I examined the 19 documentation, I saw nothing to substantiate that reasonable 20 changes were made to the subject property security system. 21 Q So I'm trying to understand what your testimony is. 22 I can read everything in your report. Are you saying that, 23 yes, they made changes but they weren't enough or they didn't 24 make changes that were reasonable at all? 25 A Whatever changes they made did not rise to the level</p>
<p style="text-align: right;">Page 255</p> <p>1 A Yes, I see that. 2 Q All right. Do you agree with me that there were 3 changes that were made pertaining to security at the property 4 between April 2018 and June 2020? 5 A I don't recall what those changes were. 6 Q So how can you say they were not reasonable if you 7 don't know what they were? 8 A No, I said I don't recall what they were. 9 Q Okay. 10 A In my opinion, I state that there's no documentation 11 to substantiate that reasonable changes were made. So I have 12 nothing to say that reasonable changes were made to the subject 13 property security system in response to the drive-by shootings. 14 And I reference -- I reference the testimony of Cynthia Bianco, 15 who is the corporate representative. And the line of 16 questioning that went on for it looks like 30 pages. 17 Q But are you saying -- just so I'm clear, you may not 18 recall him -- all of them as you sit here today, but you agree 19 with me that there were security changes during that time 20 period in an attempt to deter crime, right? 21 A I don't recall her outlining security changes that 22 were made in response to these shootings. 23 Q That's what you decided to cite. I'm talking about 24 the entire record. There's 200 pages of meeting minutes that 25 go through all of the changes that were put in place during</p>	<p style="text-align: right;">Page 257</p> <p>1 of reasonableness. 2 Q Fifty-two -- and I guess I'll ask for all of these, A 3 through X, that are on here. If some of these are not true or 4 did not happen as stated, would it matter to you or are you 5 just looking at them in generalities in larger numbers? 6 A If they're not true? 7 Q If they didn't happen as stated in your report? 8 A You mean the -- so I -- in my report I quote the 9 narratives from the police reports that I've been given. 10 Q Well, for instance, on W there, it says, on June 27, 11 2020, according to the July 1, 2020 Bedford Pines security 12 note, and it goes on and it's clear that that is a type because 13 that's talking about this particular shooting. So my 14 question -- 15 MR. BOUCHARD: Are you testifying? 16 MR. CLAYTON: No, I'm saying that is -- that is true. 17 BY MR. CLAYTON 18 Q My question is going to be: If that June 27, 2020 19 shooting didn't happen because it is in fact talking about this 20 shooting, does that change anything? 21 MS. WOODRICK: Object to form. 22 THE WITNESS: So W refers to the security meeting 23 minute notes from July 1st, 2020. 24 BY MR. CLAYTON 25 Q Correct. And I just indicated that, if that's a typo</p>

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<p style="text-align: right;">Page 258</p> <p>1 and that it wasn't June 27th, it's talking about this shooting, 2 would that change any opinion of yours? 3 A It would not. 4 Q Have you ever seen a June 27th, 2020 police report? 5 A I have not. 6 Q If two people were killed and three others were hit 7 and people had a lot of video camera footage of it, do you 8 think you would have seen that police report or video footage? 9 A I don't know. 10 Q Have you done any work on your own to corroborate any 11 of the incidents that are outlined in here? 12 A I have not. 13 Q Page 53, Number 4, it says starting with 14 furthermore -- furthermore from the documentation reviewed, the 15 written and verbal recommendations from APD Little weren't 16 implemented. Do you see that? 17 A I do. 18 Q I believe the verbal ones you're talking about it 19 what he testified in his deposition, correct? 20 A Yes. 21 Q What are the written ones you're talking about? 22 A I'm talking about what he testified to, so I believe 23 in his deposition, he said that he made written recommendations 24 as well as verbal recommendations. 25 Q Well, but you only read what he said.</p>	<p style="text-align: right;">Page 260</p> <p>1 Q So -- but that doesn't prevent them from trying to 2 what they can, right? 3 A I would -- I would disagree -- well, you're saying 4 they're trying to do what they can. 5 Q Well, no. First the question was a plan and you said 6 it's not planned, and then you said it's not a reasonable 7 security plan. And we all know it's not because you would 8 never agree that anything not done by a certified protection 9 professional could never be a plan, security plan or 10 assessment. I'm not saying that. I'm not trying to backdoor 11 that in. I'm saying: The property management people, not 12 security professionals, got together to try to help improve 13 security and action items and follow-ups and there was a plan 14 that they tried to go through to try to improve security? 15 A Can you show me the document that you're referring to 16 specifically? 17 Q It's all of the meeting minutes. It's all of the 18 things that you -- that you presumably have read. 19 A I don't have all the meeting minutes including the 20 items you are suggesting. 21 Q Okay. Do you recall any of them including it? 22 A They may have. I don't recall the specifics of them. 23 And so for me to characterize it as a plan -- 24 Q Well, I -- it's fine. So you understand, in the 25 context of non-security professionals who are not certified,</p>
<p style="text-align: right;">Page 259</p> <p>1 A Correct. 2 Q I'm asking you: Did you see any written 3 recommendations that he did not follow? 4 A I did not. 5 Q Okay. Number 5 on Page 54, you agree that the 6 security meeting minutes -- I'm just asking a general question 7 now -- document a plan that was undertaken by property 8 management people to try to deal with security challenges, 9 right? 10 A I do not. 11 Q I'm not saying you -- I'm saying the plan in the 12 general sense of the work. You don't agree with me that it has 13 an action item and then follow-ups and follow-ups and they're 14 trying to do a plan and carrying it out and following up on it? 15 You would call anything that's in that 200 pages a plan? It's 16 not a loaded question, it's just the way that the average 17 person would -- would look at it. 18 A I would not characterize it as a reasonable security 19 plan. 20 Q I didn't say that. I'm asking: You would agree with 21 me, they -- there are property managers. They're not certified 22 security consultants, right? So they couldn't do what you're 23 saying anyway, even if they wanted to, because you would say 24 they're not qualified to do it, right? 25 A I would.</p>	<p style="text-align: right;">Page 261</p> <p>1 you understand from the records here that they tried to do 2 things, right? 3 A I do. 4 Q So on a scale, if you were grading a paper knowing 5 that these are not security professionals, these are not 6 professionals in the industry, zero to 100, in terms of effort 7 or what they tried to do based upon not being security 8 professionals and all those hundreds of pages of e-mails and 9 documents, what grade would you give them? 10 MR. BOUCHARD: Object to form. 11 THE WITNESS: I would give them -- what I would say, 12 sir, to give them a grade is not an analysis I was asked 13 to do. To give a grade to what these -- the result of 14 these meeting minutes. What I would say is, if they 15 wanted to incorporate reasonable security measures or 16 reasonable security plan, they should have gone about it 17 using a qualified professional to come in and advise them 18 and guide them properly. It's like, as you said, a bunch 19 of people sitting around talking trying to solve a problem 20 that they're not qualified to solve and they don't have 21 enough training and experience, certifications, education 22 to solve the problem. 23 So to say, well, we got together and we met so we 24 were trying to do something, I would say that the wiser 25 course of action would be to engage somebody who knows</p>

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<p>1 about this who is qualified. It's like, if you said,</p> <p>2 well, we're all going to sit around and talk about</p> <p>3 problems with the electrical system or the HVAC system or</p> <p>4 the plumbing. We should engage someone with specialty,</p> <p>5 with expertise in that area to guide us in this process.</p> <p>6 And if the person we engaged initially is not showing</p> <p>7 results, if we're not seeing a reduction in crime, if</p> <p>8 crime is -- does not just remains but, in some ways, is</p> <p>9 increasing and people are continuing to die on our</p> <p>10 property, maybe we should engage someone else.</p> <p>11 Maybe we should engage someone to do an objective</p> <p>12 measure of the effectiveness of the system we have in</p> <p>13 place because that is a common practice. If we're not</p> <p>14 happy with the results we're seeing from this contractor</p> <p>15 or this consultant, let's bring in another consultant to</p> <p>16 measure the effectiveness of the consultant we have or the</p> <p>17 contractor we have. You don't have to have specialty</p> <p>18 knowledge in the area, in my opinion, to draw those</p> <p>19 conclusions that, you know, we ought to bring in someone</p> <p>20 else.</p> <p>21 BY MR. CLAYTON</p> <p>22 Q To be clear, my question was simple zero to 100,</p> <p>23 what's their score? Is your answer I cannot give an answer?</p> <p>24 A I cannot give an answer.</p> <p>25 Q Okay. Remember, just keep to the question and answer</p>	<p>1 any of their recommendations are wrong, can you?</p> <p>2 A Well, as it relates to this issue. You know, again,</p> <p>3 I was brought in to offer an opinion about the incident. I was</p> <p>4 brought in to -- I was asked -- and it's clear in the scope to</p> <p>5 offer an opinion about the incident. I wasn't brought in to</p> <p>6 offer an opinion on the plan that Plaza Security brought in or</p> <p>7 put in place or that Plaza Security proposed or that Plaza</p> <p>8 Security recommended. I was asked to offer an opinion on the</p> <p>9 security measures or lack thereof on June 30th, 2020.</p> <p>10 Q I know you read Jim Tate's deposition, right?</p> <p>11 A I did.</p> <p>12 Q You understand he was not testifying on behalf of</p> <p>13 Plaza during that deposition, correct? You understand the</p> <p>14 difference between the 30(b)(6) and an individual deposition?</p> <p>15 A Yes.</p> <p>16 Q You understand that was not a 30(b)(6), correct?</p> <p>17 A Yes.</p> <p>18 Q So -- and you understand Jim Tate has not been with</p> <p>19 Plaza from its inception? He testified to that.</p> <p>20 A I believe that's true, that's correct.</p> <p>21 Q And you understand that Jim Tate was not Wingate's of</p> <p>22 primary contact in 2019 and 2020? John Kiernan was?</p> <p>23 A I believe that's correct, yes.</p> <p>24 Q Now do you have anything critical to say about John</p> <p>25 Kiernan's qualifications or training to perform the job that he</p>
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<p>1 the question so we can move along. One of the things that</p> <p>2 would have been -- that would have garnered them a passing</p> <p>3 grade would have been to bring on someone who was CPP certified</p> <p>4 though, correct?</p> <p>5 A Can you say the question again, please?</p> <p>6 Q One of the things that would have gotten them a</p> <p>7 passing grade would have been to retain and consult with</p> <p>8 someone who is CPP certified?</p> <p>9 A Not necessarily.</p> <p>10 Q Now, you understand that Plaza Security put together</p> <p>11 365-day plan, correct?</p> <p>12 A I reference that in my report, yes.</p> <p>13 Q And I understand that you do not think that they are</p> <p>14 security professionals, correct?</p> <p>15 A Who is they, sir?</p> <p>16 Q Plaza.</p> <p>17 A Well, they don't meet the qualifications under the</p> <p>18 ASIS standards. They don't meet the qualifications under</p> <p>19 what's published and widely accepted in the security industry.</p> <p>20 Q Because you have not actually conducted an</p> <p>21 assessment, you can't say that the actual recommendations,</p> <p>22 though, are wrong?</p> <p>23 A Which recommendations are we talking about, sir?</p> <p>24 Q Any of them. If you have not conducted a security</p> <p>25 plan or a security vulnerability assessment, you can't say that</p>	<p>1 did?</p> <p>2 A I don't have any analysis of John Kiernan's -- I</p> <p>3 haven't done an analysis of John Kiernan's qualifications. I</p> <p>4 have -- on Page 54, I talk about Jim Tate who is the CEO of</p> <p>5 Plaza Security.</p> <p>6 Q Yeah, I'm only asking about John Kiernan right now.</p> <p>7 A No.</p> <p>8 Q There's an incident that's in your report he got like</p> <p>9 a DUI and got into a scuffle with somebody down in Florida.</p> <p>10 That doesn't -- a scuffle that somebody reads about in the news</p> <p>11 or whatever happened there doesn't impact someone's general</p> <p>12 qualifications and ability to perform a job in life, do they?</p> <p>13 A It may or may not. I don't know enough about the</p> <p>14 incident.</p> <p>15 Q Okay.</p> <p>16 A I do -- there was documentation provided, as I state,</p> <p>17 that includes an article, shocking video captures, moment a</p> <p>18 former police officer punches and knocks out a valet in dispute</p> <p>19 over \$18 parking ticket, which details an incident involving</p> <p>20 John Kiernan. That was turned over as part of the material and</p> <p>21 I have it listed here.</p> <p>22 Q Correct. If you just -- you answered my question.</p> <p>23 You don't have enough to say about it, that's fine. Jim Tate</p> <p>24 was not asked about Plaza's certifications, generally speaking.</p> <p>25 Do you know, one way or another, whether anyone at Plaza has</p>

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<p style="text-align: right;">Page 266</p> <p>1 the certifications that you discuss in your report?</p> <p>2 A I do not.</p> <p>3 Q And so 15 years of experience here at the company.</p> <p>4 dozens of combined years of experience of law enforcement and</p> <p>5 experience with multiple apartment communities, that renders</p> <p>6 them insufficiently qualified to provide security services,</p> <p>7 correct?</p> <p>8 A Well, they didn't provide security services. They</p> <p>9 testified that they weren't -- you know, we've talked about</p> <p>10 that extensively is that they weren't there to provide security</p> <p>11 services.</p> <p>12 Q Page 54 at the bottom, you quote Jim Tate's</p> <p>13 deposition where it says are you a certified protection</p> <p>14 professional and he says something under Georgia law to be a</p> <p>15 certified protective professional you have to take some</p> <p>16 training and hold the license and eight hours of community --</p> <p>17 continuing education. Do you see that?</p> <p>18 A I do.</p> <p>19 Q Is he correct about the law of Georgia there?</p> <p>20 A Well, that's wasn't the question he was asked. The</p> <p>21 question he was asked was is he a certified protection</p> <p>22 professional which is a ASIS certification.</p> <p>23 Q Okay.</p> <p>24 A He's talking about -- he's talking about requirements</p> <p>25 to be a guard, a security guard in the state of Georgia.</p>	<p style="text-align: right;">Page 268</p> <p>1 did not hold herself out as a security expert, right?</p> <p>2 A Yes.</p> <p>3 Q And then she was asked if other people who were</p> <p>4 internal there held themselves out as security experts and she</p> <p>5 said no.</p> <p>6 A Correct.</p> <p>7 Q You agree with her that they were not security</p> <p>8 experts, right?</p> <p>9 A I do.</p> <p>10 Q Multifamily housing companies that operate in Georgia</p> <p>11 don't have to have an in-house ASIS certified security</p> <p>12 professional inside of their organization, do they?</p> <p>13 A No.</p> <p>14 Q Can you name any multifamily Georgia -- multifamily</p> <p>15 housing company operating in Georgia that does have an ASIS</p> <p>16 certified security consultant working in-house?</p> <p>17 A I cannot.</p> <p>18 Q You state that there is nothing to substantiate -- I</p> <p>19 think you read this -- that the subject property provided nor</p> <p>20 implemented security assessments, policies, procedures,</p> <p>21 training, or the the guidance of a qualified security</p> <p>22 professional. And I think because, in your mind, they did not</p> <p>23 retain a qualified security professional, they necessarily</p> <p>24 couldn't not have done those things?</p> <p>25 A Done which things?</p>
<p style="text-align: right;">Page 267</p> <p>1 Q So he is qualified based upon -- if his testimony is</p> <p>2 true, you think he's saying he's qualified to be a security</p> <p>3 guard in Georgia?</p> <p>4 A That's what he's speaking to here, yes.</p> <p>5 Q Okay. And you have no reason to dispute that he met</p> <p>6 the state of Georgia requirements to be a security guard?</p> <p>7 A I've seen nothing to dispute that. Can we take a</p> <p>8 break here?</p> <p>9 Q Sure.</p> <p>10 THE VIDEOGRAPHER: Off the video record at 6:37 p.m.</p> <p>11 (BREAK TAKEN)</p> <p>12 THE VIDEOGRAPHER: Back on the video record at</p> <p>13 6:43 p.m.</p> <p>14 BY MR. CLAYTON</p> <p>15 Q All right. Page 55, you have a little discussion</p> <p>16 about her not holding herself out as a security expert and no</p> <p>17 one at Wingate in the meeting being a security expert, right?</p> <p>18 A What I say is, from the documentation reviewed in</p> <p>19 this case, the subject property failed to have trained and</p> <p>20 qualified security personnel making decisions about security</p> <p>21 related matters.</p> <p>22 Q I'm on Page 55.</p> <p>23 A That's the start of the section, sir.</p> <p>24 Q Okay. Again, I'm just asking you quote paragraph and</p> <p>25 some statements in Ms. Bianco's deposition that she -- said she</p>	<p style="text-align: right;">Page 269</p> <p>1 Q Implemented the security assessment, policies,</p> <p>2 procedures, and training that you think should have been done?</p> <p>3 A That's correct.</p> <p>4 Q Now on Page 59, you talk about hiring Dottie Davis.</p> <p>5 Do you know Dottie Davis?</p> <p>6 A I do not.</p> <p>7 Q Know anything about her background or qualifications?</p> <p>8 A I do not.</p> <p>9 Q You put in here -- and I'll just generally state --</p> <p>10 that the evidence is that Wingate brought her into train staff</p> <p>11 members in crime issues and other workplace issues. That, in</p> <p>12 and of itself, you don't -- you're not critical of fact that</p> <p>13 they brought her into train people, are you?</p> <p>14 A No.</p> <p>15 Q I think training employees, crime prevention and</p> <p>16 workplace issues is a good thing, right, if done by a qualified</p> <p>17 professional?</p> <p>18 A I would agree with you with the caveat the training</p> <p>19 should flow from a security assessment. So what I go on to say</p> <p>20 Davis did not, however, conduct a security vulnerability</p> <p>21 assessment nor prepare any written report regarding security of</p> <p>22 the subject property as she was not asked to do so. So what --</p> <p>23 where I'm clear critical there, sir, is that she did not do --</p> <p>24 complete a written report and she did do a vulnerability</p> <p>25 assessment.</p>

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<p style="text-align: right;">Page 270</p> <p>1 Q Now, further down on that page, there is the citing 2 about concerns that Wingate had at times with some off-duty APD 3 officers? 4 A Yes. 5 Q You would agree with me that the fact that they had 6 these concerns and they acted upon them showed that they were 7 engaged in trying to ensure that the off-duty APD officers were 8 doing their jobs? 9 A Could you break that question down, please? 10 Q The fact that they're making complaints means that 11 they're not just rubber-stamping anything APD officers are 12 doing? They're engaged in active oversight of them, right? 13 A When you say they, who are we speaking of? 14 Q The people who wrote about this, the Wingate 15 employees that wrote about this. 16 A Well, because -- I would agree that they wrote about 17 it. I don't see where they took action to address the it is 18 the point I'm making. Concerns were -- so if I could, concerns 19 about the off-duty officers lack of -- off-duty officers 20 complacency, lack of engagement, lack of effectiveness, lack of 21 integrity, lack of availability, not being in uniform, and 22 being paid for hours they weren't actually working were also 23 documented repeatedly. But what it doesn't say is that they 24 were held accountable, that they decided, hey, we need to bring 25 in private security company that's going to actually provide</p>	<p style="text-align: right;">Page 272</p> <p>1 Q Yeah, I'm not talking about this. I'm talking about 2 you -- you understand there is a letter that went from Wingate 3 to the City of Atlanta asking them to shut down Peace Park 4 because of the crime there because Wingate couldn't take action 5 in that park? 6 A I don't recall that letter specifically. 7 Q But if Wingate didn't have authority to take action, 8 you saw multiple -- evidence of multiple efforts on their part 9 to get the City of Atlanta or others to take action to solve 10 crime issues that they had no jurisdiction over, correct? 11 A I can't say -- I can't speak to the level of -- of 12 effort they put into it or the amount of notifications they 13 made. 14 Q Now, Page 62, D, talks about Alana Robinson's 15 testimony. It said that Plaza Security duties included 16 organizing schedules and they patrolled the community and 17 offered information. Do you see that? 18 A I do. 19 Q The fact that they patrolled the community is 20 corroborated by evidence in the record, correct? 21 A Well, yes and no. Patrolled implies providing a 22 security service or a security function, so there is evidence 23 that they walked around the property. But when we say that 24 they patrolled, I would need to know more about that word 25 patrolled. What context are we using the word patrolled in?</p>
<p style="text-align: right;">Page 271</p> <p>1 security services at the property, we need to come up with a 2 new plan, this plan isn't working. We have all these concerns 3 and here's how we're going to address them and take a 4 corrective action plan. That's what I did not see. 5 Q Are you saying there is no evidence in the record of 6 them taking any action as a result of those concerns? 7 A I didn't see a corrective action plan. 8 Q That's not my question. Is it your testimony that 9 there is no evidence in the record that Wingate took action to 10 address their concerns? 11 A I would agree that they took some actions, but there 12 were also a lot of additional actions I would say they should 13 have taken. 14 Q Sixty-one, top of the page, you note up here it's 15 talking about an e-mail from Cynthia Bianco. It's talks about 16 drug boys were hanging around Peace Park. And Peace Park, is 17 it your understanding that is a City of Atlanta park? 18 A I believe so, yes. 19 Q And the record reflects that Wingate asked the City 20 of Atlanta to take action in the park because it did not have 21 authority to do so? 22 A What's detailed here is that an officer -- and 23 off-duty APD officer who was supposed to be working was 24 contacted. That's what I -- that's what's detailed in my 25 report, sir.</p>	<p style="text-align: right;">Page 273</p> <p>1 Q But when APD patrols, that is providing security out 2 there, correct? 3 A Well, it's providing law enforcement service there. 4 If we're talking about on duty APD officers -- 5 Q I was talking about off-duty. 6 A Off-duty officers, again, sir, were engaged to be the 7 eyes and ears. 8 Q Now 64, basis for Opinion Number 2, are you saying 9 nest cameras at the management office have anything to do with 10 the shooting that happened in June of 2020 a ways away from 11 that? 12 A I'm talking about video surveillance -- the wave 13 video surveillance was utilized. This is me -- the basis for 14 video surveillance in general not being utilized in a 15 reasonable manner. This is further evidence of that. 16 Q Sixty-five, Number 1, second sentence, however, 17 despite this assertion, no documentation has been received to 18 substantiate the subject property or the issued warning or 19 dispatch security officers in an attempt to limit pedestrian 20 activity in the evening and early morning hours despite 21 numerous shootings, including shootings from vehicles. Do you 22 see that? 23 A I do. 24 Q You're only talking about that night? You're not 25 saying that there's no evidence of issuing warnings or</p>

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<p>1 dispatching security officers in a attempt to limit pedestrian 2 activity on other evenings, are you? 3 A Right. I'm talking about in general as it relates to 4 the violence that was occurring at night, I have seen 5 nothing -- I don't recall seeing anything where they notified 6 residents. When I say issued warnings, I'm talking about 7 notifying residents of the violent crime that was occurring at 8 the property and dispatch security officers in the evening -- 9 at the nighttime hours, early morning hours to limit the 10 pedestrian activity and say you shouldn't be out here because 11 of this -- because of the shooting activity that we've had. 12 That's what I'm speaking to. 13 Q You're not talking about criminal trespass warnings? 14 A I'm not. 15 Q Okay. You have some citations here and on the next 16 page to the affidavit of a food truck operator, correct? 17 A I do. 18 Q You understand that she was deposed in this case? 19 A That I don't recall. I recall seeing her affidavit. 20 I don't recall seeing the -- her deposition transcript. 21 Q Okay. I sat in this very conference room -- David 22 can correct me if I'm wrong -- and she was deposed. 23 A Okay. 24 Q You would agree with me that, if her deposition 25 contradicts her affidavit, that her deposition would control,</p>	<p>1 Q Have you ever reviewed any in a professional 2 capacity? 3 A For an apartment complex? 4 Q Yes. 5 A No. 6 Q Have you read any documentations or studies about 7 their effectiveness when received by residents? 8 A No. 9 Q You don't have any opinions about specific dates that 10 any notifications or warnings should have been provided to 11 anybody, do you? You haven't prepared an analysis that you can 12 say this justifies it, this justifies it, you should have 13 provided it this date, that date? Anything specific? 14 A Well, you know, the crime that I outline in Appendix 15 C, those are the things that should -- residents should have 16 been notified of. 17 Q Page 77, this is Appendix E? 18 A Yes, sir. 19 Q This is, I believe, a guide for best practices for 20 security consultants providing expert testimony; is that right? 21 A Not just testimony but -- 22 Q For litigation consulting services. It looks like 23 this is talking about for litigation purposes? 24 A Yes. Right. It's -- yes, it says, on Page 79, the 25 International -- excuse me, the International Association of</p>
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<p>1 correct? 2 A If her sworn testimony under oath in a deposition 3 contradicts what's in an affidavit that the deposition 4 testimony would control? 5 Q Yes. 6 A The -- 7 Q Would you give it more weight is I guess -- 8 A I way. 9 Q Okay. So if she gave a deposition and -- and I'm 10 here, just asking you a question -- and there's testimony that 11 contradicts some of this, that would be information that you 12 would want to see change in your report or your opinions, 13 correct? 14 A That would be information I would want to see, yes, 15 and that I would consider. 16 Q So you didn't knowingly and intentionally include 17 things that were -- that she testified contrary to her 18 deposition? 19 A That's correct. 20 Q All right. Number 5, the notifications to the 21 residents and guests about security risks? 22 A Yes. 23 Q Have you ever prepared any notifications to any 24 residents or guests about any security risks? 25 A I have not.</p>	<p>1 Professional Security Consultants has issued this consensus 2 based and peer-reviewed best practice for the guidance of 3 involuntary use by businesses and individuals who deal with -- 4 who deal or may deal with the issues addressed in the context 5 of third-party premises security litigation and other security 6 related cases where the methodology would be helpful. 7 Q And so this is a methodology for an expert in your 8 field to try to reach opinions as an expert witness in 9 litigation; is that right? 10 A Yes, sir. 11 Q And do you think this should be followed? 12 A Well, this is a guide that -- 13 Q Is there anything in this guide that you knowingly 14 and willingly disregarded? 15 A No. 16 Q Next page, Page 80, Number 9, this is under the 17 evidence review-the process. You see that? 18 A I do. 19 Q Can you read that for me? 20 A Expert witness reports and depositions. 21 Q Have you complied with this and reviewed expert 22 witness reports? 23 A I have not. I was not given expert witness reports. 24 Q Is there any way to test your opinions? 25 A If you're talking about scientific testing related to</p>

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<p style="text-align: right;">Page 278</p> <p>1 security expert opinions, I'm not aware of any.</p> <p>2 Q Do you think that low-income housing is an important</p> <p>3 and vital service in Atlanta?</p> <p>4 A I agree that it's an important service.</p> <p>5 Q Do you understand from the evidence that there is a</p> <p>6 waiting list to live at Bedford Pines and there has been</p> <p>7 because of how desirable and needed it is in the community?</p> <p>8 A I don't -- I don't remember those words exactly in</p> <p>9 the documentation.</p> <p>10 Q Okay. Now, are there any opinions of yours that we</p> <p>11 have not discussed today?</p> <p>12 A No, sir.</p> <p>13 Q If you'll give me just a couple of minutes and --</p> <p>14 A I don't -- sorry, can I --</p> <p>15 Q Yeah. No, if you want to say something?</p> <p>16 A Yeah, I just wanted to -- we've discussed the five</p> <p>17 opinions I have laid out in the report, so if you're asking me</p> <p>18 if there are opinions outside of this report, I don't have any.</p> <p>19 Q Yeah. My question is: Do you have any opinions that</p> <p>20 you plan to offer in this case that we have not talked about</p> <p>21 today?</p> <p>22 A That are -- I mean, there is information -- we</p> <p>23 haven't talked about every sentence of this report.</p> <p>24 Q I understand that. I'm just talking about in</p> <p>25 general, general opinions you have?</p>	<p style="text-align: right;">Page 280</p> <p>1 Q How much are you charging an hour?</p> <p>2 A \$500.</p> <p>3 Q Okay. So how much money do I owe you? I always ask</p> <p>4 on the record, so -- so we never have a thing later. I always</p> <p>5 ask every --</p> <p>6 A We started at ten and it's now 7:13.</p> <p>7 Q Okay. How much do I owe you?</p> <p>8 A I don't have my phone with you -- I don't have my</p> <p>9 phone with me. Sorry.</p> <p>10 MR. BOUCHARD: I'm getting 9.25 times 500. It's</p> <p>11 4625.</p> <p>12 THE WITNESS: Okay, thank you.</p> <p>13 BY MR. CLAYTON</p> <p>14 Q So is that the number?</p> <p>15 A Yes, sir.</p> <p>16 Q All right.</p> <p>17 MR. CLAYTON: That's all the questions I have.</p> <p>18 CROSS-EXAMINATION</p> <p>19 BY MR. BOUCHARD</p> <p>20 Q Just a few questions for me, Mr. Ahmad. Do you</p> <p>21 recall you were asked questions about whether private armed</p> <p>22 security was available in 2020?</p> <p>23 A I do.</p> <p>24 Q Do you have an opinion as to whether private armed</p> <p>25 security was available in 2020?</p>
<p style="text-align: right;">Page 279</p> <p>1 A No, no.</p> <p>2 Q Okay. Yeah, if you'll just let me --</p> <p>3 MR. BOUCHARD: Couple of minutes?</p> <p>4 MR. CLAYTON: Yeah.</p> <p>5 THE VIDEOGRAPHER: Off the video record at 7:03 p.m.</p> <p>6 (BREAK TAKEN)</p> <p>7 THE VIDEOGRAPHER: Back on the video record at</p> <p>8 7:11 p.m.</p> <p>9 BY MR. CLAYTON</p> <p>10 Q Do you feel like you have done everything you needed</p> <p>11 to do to render the opinions that you have given today?</p> <p>12 A Yes.</p> <p>13 Q Do you feel like you had a fair chance to state all</p> <p>14 of your opinions and conclusions on the record today?</p> <p>15 A Not with the detail that's laid out in my report.</p> <p>16 I -- my opinions and conclusions are laid out with more detail</p> <p>17 in my report which you have in front of you.</p> <p>18 Q Is there anything that you would like to add to make</p> <p>19 sure that you were not misunderstood today while we're still on</p> <p>20 the record?</p> <p>21 A No.</p> <p>22 Q If you develop any additional opinions, a work review</p> <p>23 or any additional materials, you'll be sure to let plaintiff's</p> <p>24 attorney know?</p> <p>25 A I would.</p>	<p style="text-align: right;">Page 281</p> <p>1 A I do.</p> <p>2 Q What is that opinion?</p> <p>3 A My opinion is it was available.</p> <p>4 Q What is that opinion based upon?</p> <p>5 A Based upon working in my capacity as a supervisory</p> <p>6 deputy of the United States Marshal at the federal courthouse</p> <p>7 here in Atlanta, Georgia where we had private security that we</p> <p>8 employed that was armed from a company named Walden Security.</p> <p>9 Q Are you familiar with companies that provide armed</p> <p>10 security to various businesses in Georgia, including apartment</p> <p>11 complexes? Obviously you've identified Walden, but are there</p> <p>12 other business --</p> <p>13 A Yes.</p> <p>14 Q Other private armed security companies?</p> <p>15 A Yes. There are several. The ones that immediately</p> <p>16 come to mind are Allied Universal, Securitize, Prosecure,</p> <p>17 Chesley Brown, Reinhart Security, PSI Security.</p> <p>18 Q You were asked questions about how COVID impacted the</p> <p>19 availability of law-enforcement. Do you remember that?</p> <p>20 A I do.</p> <p>21 Q Do you have an opinion as to whether COVID impacted</p> <p>22 the availability of private armed security?</p> <p>23 A I do.</p> <p>24 Q What is your opinion?</p> <p>25 A My opinion is that they were available because we</p>

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<p>1 employed them and I know that the company we employed, which is</p> <p>2 Walden Security, at the time, was actively looking for new</p> <p>3 security contracts.</p> <p>4 MR. BOUCHARD: I have nothing further. Thank you.</p> <p>5 RECCROSS-EXAMINATION</p> <p>6 BY MR. CLAYTON</p> <p>7 Q So when I asked you earlier if you knew of any,</p> <p>8 you're now changing your testimony; is that right? I asked you</p> <p>9 earlier today if you knew of any private security company that</p> <p>10 provides armed security in Atlanta for multifamily housing and</p> <p>11 your answer was no.</p> <p>12 MR. BOUCHARD: Objection to form.</p> <p>13 BY MR. CLAYTON</p> <p>14 Q Well, let me ask you this way: If your testimony</p> <p>15 that I asked you earlier was different, do you stand with the</p> <p>16 testimony that you gave earlier or are you changing it now?</p> <p>17 A I don't recall saying -- perhaps we -- I</p> <p>18 misunderstood your question. Perhaps my response was</p> <p>19 misunderstood or taken out of context. My answer is, as I</p> <p>20 state now, there are companies that offer that and I'm aware of</p> <p>21 several and I know that Walden Security was offering that in</p> <p>22 2020.</p> <p>23 Q Do you know -- and what was -- how many security</p> <p>24 officers were being provided at the federal courthouse?</p> <p>25 A Over a hundred.</p>	<p>1 A I do not.</p> <p>2 Q Do you know how many people, being the arm security</p> <p>3 officers, if any, at any of the companies had in June of 2020</p> <p>4 that could've been deployed at Bedford Pines?</p> <p>5 A Can you restate that question, please?</p> <p>6 Q Do you know the number, if any, of any employee</p> <p>7 specifically at any of these companies that were available in</p> <p>8 June of 2020 to be deployed to Bedford Pines?</p> <p>9 A I don't have personal knowledge of that, no.</p> <p>10 Q So it sounds like you're just assuming -- you know of</p> <p>11 some armed security companies, you're assuming there may have</p> <p>12 been some that could have provided armed security?</p> <p>13 A No, what I'm saying is there are companies that</p> <p>14 provide armed security, Walden Security -- there are several</p> <p>15 companies that provide armed security and I named the companies</p> <p>16 that I'm aware of. Now, if you're asking me could they have</p> <p>17 provided security at Bedford Pines, what that would have cost,</p> <p>18 all the nuances therein, I can't say and they were never -- a</p> <p>19 request for proposal was never issues that they could have bid</p> <p>20 on and put proposals in for.</p> <p>21 Q So as we sit here today, you cannot identify a single</p> <p>22 arm security company that would have provided security at</p> <p>23 Bedford Pines in June of 2020?</p> <p>24 A That would have with certainty?</p> <p>25 Q Yes.</p>
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<p>1 Q At Walden Security?</p> <p>2 A Yes, I believe so. I believe at the time Walden had</p> <p>3 the contract.</p> <p>4 Q And how much where they paid per hour?</p> <p>5 A I don't recall.</p> <p>6 Q Was that contract entered into in June of 2020?</p> <p>7 A It was not.</p> <p>8 Q When was it entered into?</p> <p>9 A I don't recall, prior to that.</p> <p>10 Q And what is -- if we needed to ask someone at Walden</p> <p>11 Security about whether they would -- well, back up. We've</p> <p>12 already talked about how federal courthouses different risk</p> <p>13 profile than the Bedford Pines community, correct?</p> <p>14 A Well, when you say different risk profile, I would</p> <p>15 agree that the security considerations at a federal courthouse</p> <p>16 are different than at a multifamily property. But in this</p> <p>17 particular instance where you had a lot of violent crime,</p> <p>18 reasonable security measure would have been armed security, as</p> <p>19 I stated.</p> <p>20 Q Do you know or have any evidence that any of those</p> <p>21 companies would take on the liability of armed security at this</p> <p>22 particular community?</p> <p>23 A I do not.</p> <p>24 Q Do you know how much it was cost for armed security</p> <p>25 needs to be provided at this particular community?</p>	<p>1 A No, I can't speal for other companies.</p> <p>2 Q You just know that there was a government contract</p> <p>3 entered into at some point in time with Walden where they</p> <p>4 provided armed security in June of 2020? Is that --</p> <p>5 A That's correct.</p> <p>6 MR. CLAYTON: No further questions.</p> <p>7 MR. BOUCHARD: Thank you.</p> <p>8 THE VIDEOGRAPHER: This is the end of the deposition.</p> <p>9 Off the record at 7:20 p.m.</p> <p>10 (Deposition concluded at 7:20 p.m.)</p> <p>11 (Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure</p> <p>12 and/or O.C.G.A. 9-11-30(e), signature of the witness has been</p> <p>13 reserved.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 286</p> <p>1 Job #: 6708494</p> <p>2 REPORTER DISCLOSURES</p> <p>3 The following representations and disclosures are made in</p> <p>4 compliance with Georgia Law, more specifically:</p> <p>5 • Article 10(B) of the Rules and Regulations of the Board of</p> <p>6 Court Reporting (disclosure forms)</p> <p>7 • OCGA 9-11-28(c) (disqualification of reporter for financial</p> <p>8 interest)</p> <p>9 • OCGA 15-14-37(a) and (b) (prohibitions against contracts</p> <p>10 except on a case-by-case basis)</p> <p>11 • I am a certified court reporter in the State of Georgia.</p> <p>12 • I am a subcontractor for Veritext Legal Solutions.</p> <p>13 • I have been assigned to make a complete and accurate record</p> <p>14 of these proceedings.</p> <p>15 • I have no relationship of interest in the matter on which I</p> <p>16 am about to report, which would disqualify me from making a</p> <p>17 verbatim record or maintaining my obligation of impartiality</p> <p>18 in compliance with the Code of Professional Ethics.</p> <p>19 • I have no direct contract with any party in this action and</p> <p>20 my compensation is determined solely by the terms of my</p> <p>21 subcontractor agreement.</p> <p>22 FIRM DISCLOSURES</p> <p>23 • Veritext Legal Solutions was contacted to provide reporting</p> <p>24 services by the noticing or taking attorney in this matter.</p> <p>25 • There is no agreement in place that is prohibited by OCGA</p>	<p style="text-align: right;">Page 288</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF GEORGIA:</p> <p>4 COUNTY OF FULTON:</p> <p>5 I hereby certify that the foregoing transcript was taken</p> <p>6 down, as stated in the caption, and the colloquies, questions</p> <p>7 and answers were reduced to typewriting under my direction;</p> <p>8 that the transcript is a true and correct record of the</p> <p>9 evidence given upon said proceeding.</p> <p>10 I further certify that I am not a relative or employee or</p> <p>11 attorney of any party, nor am I financially interested in the</p> <p>12 outcome of this action.</p> <p>13 I have no relationship of interest in this matter which</p> <p>14 would disqualify me from maintaining my obligation of</p> <p>15 impartiality in compliance with the Code of Professional</p> <p>16 Ethics.</p> <p>17 I have no direct contract with any party in this action</p> <p>18 and my compensation is based solely on the terms of my</p> <p>19 subcontractor agreement.</p> <p>20 Nothing in the arrangements made for this proceeding</p> <p>21 impacts my absolute commitment to serve all parties as an</p> <p>22 impartial officer of the court.</p> <p>23 This the 5th day of June, 2024.</p> <p>24</p> <p>25  Ashley N. Ellis, CVR-7199, CCR</p>
<p style="text-align: right;">Page 287</p> <p>1 15-14-37(a) and (b). Any case-specific discounts are</p> <p>2 automatically applied to all parties, at such time as any party</p> <p>3 receives a discount.</p> <p>4 • Transcripts: The transcript of this proceeding as produced</p> <p>5 will be a true, correct, and complete record of the colloquies,</p> <p>6 questions and answers as submitted by the certified</p> <p>7 court reporter.</p> <p>8 • Exhibits: No changes will be made to the exhibits as</p> <p>9 submitted by the reporter, attorneys or witnesses.</p> <p>10 • Password-Protected Access: Transcripts and exhibits relating</p> <p>11 to this proceeding will be uploaded to a password-protected</p> <p>12 repository, to which all ordering parties will have</p> <p>13 access.</p> <p>14</p> <p>15  16 Ashley N. Ellis, CVR-7199, CCR June 5, 2024</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 289</p> <p>1 Charles Ahmad c/o</p> <p>2 DAVID H. BOUCHARD, ESQUIRE</p> <p>3 david@finchmccranie.com</p> <p>4 June 5th, 2024</p> <p>5 RE: Sims, Wyteria v. Wingate Management Company, LLC</p> <p>6 5/21/2024, Charles Ahmad (#6708494)</p> <p>7 The above-referenced transcript is available for</p> <p>8 review.</p> <p>9 Within the applicable timeframe, the witness should</p> <p>10 read the testimony to verify its accuracy. If there are</p> <p>11 any changes, the witness should note those with the</p> <p>12 reason, on the attached Errata Sheet.</p> <p>13 The witness should sign the Acknowledgment of</p> <p>14 Deponent and Errata and return to the deposing attorney.</p> <p>15 Copies should be sent to all counsel, and to Veritext at</p> <p>16 litsup-ga@veritext.com</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 290</p> <p>1 Sims, Wyteria v. Wingate Management Company, LLC 2 Charles Ahmad (#6708494) 3 E R R A T A S H E E T 4 PAGE____ LINE____ CHANGE_____ 5 _____ 6 REASON_____ 7 PAGE____ LINE____ CHANGE_____ 8 _____ 9 REASON_____ 10 PAGE____ LINE____ CHANGE_____ 11 _____ 12 REASON_____ 13 PAGE____ LINE____ CHANGE_____ 14 _____ 15 REASON_____ 16 PAGE____ LINE____ CHANGE_____ 17 _____ 18 REASON_____ 19 PAGE____ LINE____ CHANGE_____ 20 _____ 21 REASON_____ 22 _____ 23 _____ 24 Charles Ahmad Date 25</p>	
<p style="text-align: right;">Page 291</p> <p>1 Sims, Wyteria v. Wingate Management Company, LLC 2 Charles Ahmad (#6708494) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, Charles Ahmad, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 _____ 11 _____ 12 Charles Ahmad Date 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 ____ DAY OF _____, 20____. 16 _____ 17 _____ 18 _____ 19 NOTARY PUBLIC 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25</p>	